ILLINOIS POLLUTION CONTROL BOARD March 15, 1973

ENVIRONMENTAL	PROTECTION	AGENCY)	
)	#71-348
V.)	
DARLING & COM	PANY)	

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Motion to produce was filed by Darling & Company against the Environmental Protection Agency asking for production of the documents set forth in the following paragraphs:

- "1. List of Dates and Nature of violations which were the basis for the complainant's original Complaint filed herein and Dates and Nature of violations which were the basis for the Complainants Counter-Complaint filed herein;
- 2. All written Complaints and all related correspondence received regarding odors from the Respondent's Plant and other Plants within a five-mile radius of Respondent's Plant since July 1, 1970;
- 3. List of the Dates and Time of Day of each inspection and test made of the facilities of Darling & Company for the determination of violations of the Environmental Protection Act and the regulations thereto, together with nature and extent of each inspection or test and quantitive results of each test, whether or not a violation was disclosed;
- 4. All documents relating to the method, equipment and procedure used in making inspections or tests; the number of observers and the exact time of day each observation was made;
- 5. All documents relating to the inspections and tests made of all plants with a 5-mile radius of Darling & Company regarding odor emission from such plants including the nature of the odor emitted, the amount of the emission and the dates and time of day of such inspection or test, the number of observers present and the quantitative results of all such inspections or tests; and

6. List of all of the plants within a 5-mile radius of Darling & Company which the Environmental Protection Agency has or intends to bring enforcement proceedings against and the names of those companies where variances have been granted or no action has been taken."

The Hearing Officer granted the motion with respect to paragraphs 1, 3 and 4 and denied the motion with respect to paragraphs 2, 5 and 6. The Hearing Officer's ruling with respect to the portions of the motion denied has been referred to the Pollution Control Board for review. We affirm the Hearing Officer's order in all respects except as to a portion of paragraph 2 of the motion. As to this paragraph, we direct the Agency to produce the following documents: "All written Complaints and all related correspondence regarding odors from the Respondent's Plant."

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the _/5+^nday of March, 1973, by a vote of _______ to ______.

Christand. Moffett