

ILLINOIS POLLUTION CONTROL BOARD

September 15, 1977

ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Complainant, )  
)  
v. ) PCB 76-128  
)  
SUPREME DAIRY PRODUCTS COMPANY, )  
)  
Respondent. )

Mr. Franklin L. Renner of Parkhurst, Fraser, Newlin  
& Renner appeared on behalf of the Respondent  
Mr. Harry Devereux, Assistant Attorney General appeared  
on behalf of the Complainant

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

This matter comes before the Board on a complaint alleging violation of Sections 12(a) and 12(b) of the Act and Rules 951, 1201, and 403 of Chapter 3: Water Pollution of the Board's Rules and Regulations. Specifically Respondent is alleged to have constructed and operated a treatment works without obtaining the required permits. The subject treatment works were operated without the direct supervision of any person who was properly certified by the Agency. Respondent is also alleged to have caused water pollution.

A hearing was held on August 19, 1977 at the Marshall County Courthouse in Lacon, Illinois. At the hearing a stipulation was offered as a settlement of the case. There has been no public comment on this stipulation.

The stipulation states that the Respondent's facility was closed in April of 1976 and has not re-opened. A series of reports and photographs prepared by the Agency and attached as Exhibits to the stipulation show that Respondent caused water pollution by discharging effluent which was offensive and high in BOD, suspended solids, and ammonia. An affidavit by Mr. Ernest Bennett of the Agency showed that Respondent had not employed a certified sewage treatment plant operator. The construction and operation of a wetwell, connecting line, and a tank was agreed to have constituted construction and operation of a treatment works for which no permits were ever granted.

As a resolution of this matter the parties have proposed that the subject facility remain closed unless the Respondent obtains the appropriate permits. In addition Respondent has agreed to pay the sum of ONE THOUSAND DOLLARS (\$1,000.00) in consideration of this settlement.

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The settlement stipulation is hereby accepted by the Board because it establishes the alleged violations. The amount of the penalty is presumed to be reasonable because the parties have agreed to it and the Board has not been appraised of any evidence to refute it.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that:

1) The Respondent shall not reopen, or otherwise use the facility located at 708 Front Street in the City of Henry, County of Marshall, State of Illinois, without first receiving permits from the Complainant and the United States Environmental Protection Agency if permits from the latter are necessary.

2) Within 30 days of the date of the Order, Respondent shall forward a certified check in the amount of ONE THOUSAND DOLLARS (\$1,000.00) to:

State of Illinois  
Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 5<sup>th</sup> day of September, 1977, by a vote of 4-0.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board

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