

ILLINOIS POLLUTION CONTROL BOARD
 January 30, 1973

ENVIRONMENTAL PROTECTION AGENCY)
)
)
 v.) #72-84
)
 CUSTOM FARM SERVICES, INC.,)
 a Delaware corporation)

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

Complaint was filed against Respondent alleging that it operated a plant in Paxton, Illinois, and that the City of Paxton owned and operated a storm tile inlet located, in part, on Respondent's property which leads to an unnamed tributary of the East Branch of the Middle Fork of the Vermilion River. The complaint alleges that on or about April 14, 1971, Respondent caused or allowed effluent containing ammonia or other contaminants to discharge from its portable nurse tank into the storm tile inlet and sewer, which effluent ultimately reached the unnamed tributary aforesaid, and which discharge altered the physical, chemical and biological properties of the stream and will create a public nuisance, and constitute water pollution as defined in Section 12(a) of the Environmental Protection Act and constitute a violation of Sanitary Water Board Regulation 14.

The complaint alleges that the discharge resulted in the death of in excess of 17,000 fish, having a reasonable replacement value of \$638.89. A stipulation was entered into between the Respondent and the Environmental Protection Agency in which the violations, as alleged, including the fish kill, are admitted. Testimony and exhibits of State employees were introduced into the record supporting the essential allegations of the complaint. Respondent agrees to payment in the amount of \$638.89 to the Fish and Game Fund as a consequence of the fish kill and to pay the further amount of \$2,000 as penalty for the violation of the statute and regulations aforesaid.

This is a single episode violation. We believe the payments, together with a cease and desist order from any further acts of violation, will satisfactorily dispose of the proceeding and we will so order.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board:

1. That Respondent, Custom Farm Services, Inc., cease and desist from any violation of the Environmental Protection Act and Regulations with respect to water pollution, and specifically, take affirmative steps to prevent any recurrence of the events leading to the filing of the present proceeding.
2. Respondent shall pay to the State of Illinois for deposit in the Fish and Game Fund in the State Treasury, the sum of \$638.89, representing the reasonable value of the estimated fish kill on or about April 14, 1971. Respondent shall pay to the State of Illinois, a penalty in the amount of \$2,000 for violations of the Environmental Protection Act and Sanitary Water Board Regulations, as charged in the complaint. Both payments shall be made payable to Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Drive, Springfield, Illinois 62706 by March 6, 1973.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was entered on the 30th day of January, 1973, by a vote of 3 to 0.

Christan S. Moffett