

Twelve employees of Illinois Central Gulf Railroad, the facility to Respondent's immediate north, signed complaint forms and indicated their willingness to testify at hearing. "Each employee complained of continuous objectionable odors emanating from Peter Cooper's property. Many employees stated that the odors make them nauseous and permeate their clothes and automobiles." Two motorists on the nearby Stevenson Expressway complained of the odors from Peter Cooper and stated their willingness to testify. Residents, one-half mile south of the facility, also agreed to testify at a hearing. Scentometer tests conducted on June 5, 1974, required dilution ratios of 128:1 before the odor was no longer detectable.

Procedures carried out by Respondent since 1970 to abate the odor problem include:

- "a. Initial research of available technology and intercorporate communications regarding feasibility of same.
- b. Testing, beginning in March, 1972, to determine the feasibility of installing a drying system for the tankage (\$10,800.00).
- c. Stack tests conducted by Hoyer-Schlesinger-Turner, Inc., at the Diamond Glue facility in Chicago in June of 1974 (\$5,500.00).
- d. Immediately upon filing of the lawsuit, Peter Cooper constructed a building with venting and odor modification system and installed a perimeter odor modification system in December, 1974 (\$25,000.00). The odor modification system and the perimeter odor modification system were removed at the request of the Environmental Protection Agency."

In the Terms of Settlement, Respondent denied any wrong doing and denied that it conducts an inedible rendering process. The Terms of Settlement were conditioned on acceptance by the Board in all respects and were to be void and of no effect if not fully approved by the Board.

A brick building has been constructed to store the tankage prior to its being fed into the rotary kiln drier. From May 15, 1975, until November 15, 1975, the Agency will inspect Respondent's facilities to determine whether the brick building is "eliminating potential sources of odor." A compliance plan -- including possible installation of an afterburner or wet scrubber -- would be implemented if the Agency determined that the Respondent is violating the Act or the regulations and properly notified Peter Cooper within the time limits specified. Respondent agreed, for the purposes of settlement only, to remit to the State the sum of \$1,000. Finally, the Agency "agrees that in any future proceedings brought against Peter Cooper . . . damages shall be sought

only for violations occurring after November 15, 1975."

We reject the Stipulation entered into between the parties. In exchange for the payment of only \$1,000 Respondent is in effect given a shield for possible violations extending over a five-year period. The record does not indicate the magnitude of the interference experienced by residents and others who found it necessary to be near Respondent's plant. The compliance program is not specified in sufficient detail to insure that the public is adequately protected. We don't know the extent of Respondent's knowledge of its possible pollution source. No economic data are supplied on Peter Cooper's financial situation. The cost of the newly constructed brick building is not known nor have possible costs of compliance been included in the record. In light of the record, we find the Stipulation unacceptable.

This case is remanded to the parties for further proceedings consistent with this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 24th day of July, 1975, by a vote of \$-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board