

POLLUTION-CARGILL

IEPA plans appeal on Cargill suit

1982

By KATHY HARGER

A Cargill Inc. case that has lasted almost two years may last two more, with the Illinois Environmental Protection Agency now deciding to appeal a recent opinion to the 2nd District Appellate Court if necessary.

The IEPA will first ask the Illinois Pollution Control Board to reconsider its May 27 decision, which determined a permit was not needed for the Carpentersville chemical company's discharges into the Fox River.

The sides: the IEPA claims the National Pollutant Discharge Elimination System permit is necessary because the firm's previous pollution record; Cargill maintains the wrong standards were applied to a situation in which water simply runs off their property when it rains.

Phil Van Ness, an IEPA attorney in Springfield, regards the recent IPCB decision as ill-advised, ill-conceived and regrettable statewide precedent.

Cargill General Manager Gholi Dareshori contends the permit was nonsensical and not necessary to ensure public health.

Both parties are expected to continue the battle for at least the next two years.

"IT WILL ONLY encourage sloppy housekeeping and disregard for the environment," he said, citing the agency's reasoning for an appeal. "I'm currently in the process of asking the (IPCB) to reconsider."

"If it doesn't alter its finding, the IEPA will ask the Attorney General's office to handle it in appeals court."

Van Ness said the state Pollution Control Board, a quasi-judicial board on environmental matters, "has appeared to announce a new test" regarding discharge flow.

"It's not enough to show it continues, you have to show where it's coming from," he added.

The IEPA attorney further blasted the decision calling it "disasterous" and an "extreme burden on permitting agencies."

"We don't go around chasing every parking lot in the state, but with a perpetual offender, Cargill's has been convicted on two separate (environmental) violations."

THE POLLUTION Control Board, Van Ness said, found the firm guilty

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IEPA

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of violating provisions of Clean Water Environmental Protection Agency Act in 1976 and 1979.

"The board says that's not enough," he explained. "The agency has to know a lot more than it does now. Then again, maybe the board feels a parking lot is fair game."

The IEPA will specifically request

the quasi-judicial board to rescind its May order and establish terms for a permit. If it does not succeed, litigation will be ensue in Elgin's 2nd District Appellate Court, according to Van Ness.

If the state Pollution Control Board changes its finding, Cargill is expected to appeal.

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