

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1980

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 78-239
) PCB 79-96
SCM CORPORATION (DURKEE FOODS)
DIVISION),)
Respondent.)

MR. JOHN T. BERNBOM APPEARED ON BEHALF OF COMPLAINANT.

MR. JOSEPH S. WRIGHT, JR. (ROOKS, PITTS, FULLAGAR AND POUST)
APPEARED ON BEHALF OF RESPONDENT.

OPINION OF THE BOARD (by I. Goodman):

This Opinion supports the Board Order entered herein on June 12, 1980.

These two enforcement actions were filed on August 30, 1978 (PCB 78-239) and on April 23, 1979 (PCB 79-96) against SCM Corporation (SCM) by the Illinois Environmental Protection Agency (Agency) and alleged violations of certain rules of Chapter 3: Water Pollution Control and certain sections of the Illinois Environmental Protection Act (Act). Hearings were held in both matters.

SCM owns and operates the Glidden-Durkee Edible Oil Plant in Channahon, Illinois (Joliet Refinery) which processes crude vegetable oils into edible products. The Joliet Refinery is located in an industrial complex adjacent to the Des Plaines River and employs approximately 280 persons. The refining process at the Joliet Refinery requires the use of water and results in the generation of waste water containing oil and other pollutants. All waste water at the Joliet Refinery is collected and treated in an on-site waste treatment plant prior to discharge to the Des Plaines River. The waste water treatment plant, completed in 1974, consists generally of an activated sludge plant supported by a lagoon settling basin, aerators, oil skimmers, a pH control system, etc. Under normal conditions, the waste treatment plant achieves approximately 99.5% removal of pollutants from the waste water.

In PCB 78-239 the Agency alleged violations of SCM's NPDES permit, sections of the Act, and certain rules of the Board's water pollution regulations due to excursions beyond applicable pollutant effluent limitations. SCM contends that these excursions were caused by severe weather conditions and by mechanical failures beyond the control of SCM and that SCM did all it could to mitigate the effects of the excursions. SCM further contends that the excursion levels were not toxic in nature and caused no demonstrable environmental harm. SCM points out that the Joliet Refinery has a high economic and social value.

In PCB 79-96 the Agency alleged continuing violations by SCM with respect to the waste treatment plant discharge and, in addition, complained that SCM had failed to maintain the waste treatment plant in good working order and to operate it as efficiently as possible. The Agency further alleged that SCM failed to minimize violations during adverse weather conditions and equipment failures. SCM denies all allegations in this complaint.

On June 6, 1980 the parties presented a Proposed Settlement and Stipulation (Stipulation) in compromise and settlement of both enforcement actions. Under this Stipulation SCM agrees to construct, install, operate and maintain a new aeration basin at the waste treatment plant. The Agency agrees to issue SCM a permit to construct the aeration basin and agrees that all violations of the Act or Board regulations occurring during the construction period shall not be considered by the Agency when issuing NPDES permits for the Joliet Refinery.

The Agency further agrees to release SCM and its officers, agents and assigns from any and all liability to the State of Illinois arising from or in relation to the discharges alleged in these two complaints up to and including the date of this Order. If any unforeseen event causes SCM to be delayed in compliance with the terms of the Stipulation, a reasonable extension of time shall be allowed. Disagreements between the parties concerning such an extension shall be resolved by the Board.

In consideration of the Stipulation the parties agree that proceedings PCB 78-239 and PCB 79-96 shall be dismissed.

SCM agrees to pay a penalty of \$30,000 within 28 days from the date of this Order.

The Board finds the Stipulation to be a suitable resolution of the two enforcement cases considered here and hereby accepts the Stipulation pursuant to Rule 331 of the Board's Procedural Rules.

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion was adopted on the 10th day of July, 1980 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board