

ILLINOIS POLLUTION CONTROL BOARD
December 13, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-237
)
 LENNON WALL PAPER COMPANY, a Delaware)
 corporation, qualified to do business)
 in Illinois,)
)
 Respondent.)

Ms. Nancy Bennett, Assistant Attorney General, appeared for the Complainant;
Mr. Thomas Feehan; Thomas, Wallace, Feehan & Baron Ltd., appeared for the Respondent.

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

This matter comes before the Board upon a Complaint filed by the Environmental Protection Agency on August 30, 1978, against the Lennon Wall Paper Company. The Complaint alleged that Respondent discharged contaminants to waters of the State without an NPDES permit in violation of Rule 901 of Chapter 3: Water Pollution Regulations and Sections 12(a), 12(b) and 12(f) of the Environmental Protection Act.

A hearing was held on January 23, 1979 during which the Agency entered Exhibits Nos. 1 through 4 into the record as evidence of violations alleged in the Complaint. During a subsequent hearing, on July 9, 1979, the parties indicated that a settlement had been finalized and submitted a Stipulation and Proposal for Settlement for approval by this Board. No members of the public were present at either hearing.

Lennon Wall Paper Company owns and operates a manufacturing facility in Joliet, Illinois which is engaged in printing and application of adhesives to wallpaper. The wallpaper manufacturing facility generates approximately 10,000 gallons of wastewater per day from clean-up operations which is discharged and accumulated in two storage lagoons on Respondent's property. Periodically, the wastewater is removed to tank

trucks for ultimate disposal in a landfill. However, the stipulation indicates that highly contaminated water containing high levels of BOD₅, copper, iron, managanese, phenols and total dissolved solids have escaped from the lagoons overflowing into the waters of the State. The parties to this settlement stipulate that the discharge from Respondent's lagoons occurred without an NPDES permit.

As a result of negotiations, Lennon agreed to construct a waste pretreatment facility to allow for settling and coagulation of contaminants before it is discharged to a City of Joliet sanitary sewer. The Respondent contemplates construction of duplicate storage tanks each to receive approximately 1,200 gallons of raw wastewater on alternate days, two reaction tanks to allow for coagulation and an effluent mixing tank for pH adjustment. The Respondent anticipates completion of the pretreatment facility by December 30, 1979.

In this settlement, the parties stipulate and agree that Lennon shall pay a total penalty of \$3,000.00 for the violations stipulated to in the settlement.

The settlement agreement is conditioned upon acceptance by the City of Joliet of the cyanide, phenol, ammonia and mercury levels discharged from the proposed pretreatment facility. In the event that the City of Joliet refuses to accept the effluent from the Lennon pretreatment facility, Respondent shall cease and desist from further violations of the Act and Board regulations.

The Board notes that the Settlement Agreement requires Respondent to obtain all Agency permits for the construction of any pretreatment facility. Respondent has complied with this requirement; the Agency having issued a construction permit for the facility on September 7, 1979.

In view of the Stipulation and Proposal for Settlement and the exhibits entered into the record, the Board finds that Respondent Lennon Wall Paper Company in violation of Rule 901 of Chapter #3: and Sections 12(a), 12(b) and 12(f) of the Act, for discharging highly contaminated wastewater to the waters of the State.

The Board has considered the application of the requirements of Section 33(c) of the Act to the facts and circumstances and finds that the Stipulation is acceptable under Procedural Rule 331. Respondent Lennon Wall Paper Company shall adhere to all provisions and terms of the settlement. The Board further finds that the \$3,000.00 penalty is adequate to aid in the enforcement of the Act.

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


ORDER

1. Respondent, Lennon Wall Paper Company, is found to have violated Rule 901 of Chapter 3: Water Pollution Regulations and Sections 12(a), 12(b) and 12(f) of the Environmental Protection Act on numerous occasions by discharging contaminated wastewater to the waters of the State without an NPDES permit.
2. Respondent, Lennon Wall Paper Company, shall adhere to all provisions and terms of the Settlement Agreement which is incorporated by reference as if fully set forth herein.
3. Respondent, Lennon Wall Paper Company, shall pay a penalty of \$3,000.00 within 35 days of this Order. Payment shall be certified check or money order payable to:

State of Illinois
Fiscal Services Division
Environmental Protection
Agency
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 were adopted on the 13th day of December, 1979 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board