

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1991

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 72-326
) (Enforcement)
VELSICOL CHEMICAL CORP.,)
)
Respondent.)

VELSICOL CHEMICAL CORP.,)
)
Petitioner,)
)
v.) PCB 72-351
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by M. Nardulli):

This matter is before the Board on the May 29, 1991 filing by petitioner Velsicol Chemical Corporation's (Velsicol) "Motion for Modification or Termination of Board Order in PCB 72-326 and PCB 72-351 (Consolidated)." By this motion, Velsicol seeks modification or termination of the following provision set forth in the Board's April 5, 1973 order in this consolidated enforcement action:

2. After April 15, 1973 Velsicol ... shall cease and desist from the violations found herein by taking all steps necessary to promulgate its proposed program including:

* * *

b) The deep well injection of all effluent and land runoff from the Velsicol Chemical Corporation's Marshall, Illinois plant by April 15, 1973.

Velsicol requests modification or termination of this provision because "the Marshall plant is now closed, and circumstances that caused the Board to impose the above condition ... no longer exist." According to Velsicol, the planned remediation of the facility will effectively mitigate the threat of degradation to

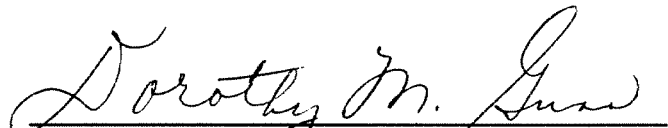
surface waterways by surface water run-off from the plant area. This remediation is being completed pursuant to a consent decree executed by the Illinois Attorney General (AG), the Illinois Environmental Protection Agency (Agency), the United States Environmental Protection Agency and Velsicol after Velsicol was placed on the Superfund National Priorities List. The AG and the Agency, according to Velsicol, support the instant motion so that Velsicol can complete its remediation plan under the consent decree using "traditional stormwater management techniques."

While the Board traditionally does not reopen cases closed for such a long period of time (see, 35 Ill. Adm. Code 101.300 and 101.301), the instant case presents unusual circumstances justifying the relief requested. Therefore, based upon the facts presented here and a review of the consent decree, the Board grants Velsicol's motion and hereby terminates paragraph 2(b) of its April 5, 1973 order in PCB 72-326 and PCB 72-351 (consolidated).

IT IS SO ORDERED.

J.D. Dumelle concurs.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 11th day of July, 1991 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board