

ILLINOIS POLLUTION CONTROL BOARD
March 29, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-311
)
 OLIN CORPORATION,)
)
 Respondent.)

PATRICK J. CHESLEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT;
RANDALL ROBERTSON, LUEDERS, ROBERTSON & KONZEN, APPEARED ON BEHALF OF RESPONDENT.

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

On December 27, 1978 the Illinois Environmental Protection Agency (Agency) filed this complaint before the Board alleging that Olin Corporation (Olin) had violated certain of the Board's Water Pollution Regulations. A hearing was held in this matter on February 22, 1979; no citizens appeared at the hearing, and the Board has received no public comment.

Olin owns and operates a brass strip and small arms ammunition plant in East Alton, Madison County, Illinois employing approximately 5,300 workers. The facility occupies an area of approximately 1,700 acres, and the annual payroll is approximately \$100,000,000 per year. The different manufacturing processes are known as zones. The subject of this complaint is the waste water treatment facility at zone 6 which treats water discharges from zones 1, 2, 4 and 7 and which discharges approximately 3,000,000 gallons per day. During normal conditions, the zone 6 water treatment plant treats all flows directed to it before discharge to the Wood River. However, during occasions of high rainfall, a portion of the inflow to zone 6 is necessarily bypassed to the east fork of Wood River which subsequently discharges into the Mississippi River without any treatment.

Olin has been before the Board previously and had obtained a variance in PCB 77-177, which was granted until March 1, 1978 and required Olin to implement the interim control measures it had specified in its variance petition. Currently

a petition for extension of the variance granted previously is before the Board in PCB 78-60.

Although no testimony was given at the hearing, the parties herein filed a stipulation for the Board's consideration pursuant to Procedural Rule 331. The stipulation recites the history of the situation and the technological problems surrounding it. The stipulation sets forth the efforts made by Olin to rectify the problem and outlines the procedures to be used to alleviate the effect of further discharges during heavy rainfall. It is alleged that the only method of immediate compliance would be plugging of the overflow outfalls, resulting in flooding the company's plant and causing extensive damage. The company agrees to undertake a program which is described in Exhibit A and amplified by the stipulation, and the Agency approves and accepts this program.

In the stipulation, Olin does not admit that it violated or is violating any provisions of Federal or State law, and neither party waives its right of appeal in any dispute between the parties with regard to interpretation of the provisions of the stipulation. Olin, in consideration of the Agency's promise not to institute or to assist any other enforcement action for storm-related discharges, agrees to pay \$10,000.00 to the State of Illinois within 30 days of the receipt of the Board's Order adopting the stipulation. In addition the stipulation contains paragraphs concerning the rights of the Agency to inspect equipment and facilities and the duty of Olin to provide progress reports and to procure permits.

The total estimated cost of the program contained in Exhibit A is approximately \$800,000. Completion of the project is scheduled for May of 1979, and the improvements are designed to control discharges for all rain storms having a frequency of 10 years or less and result in a much decreased discharge for a greater than 10 year frequency rain storm.

The parties propose that the stipulation is the best way to resolve the problem without expensive and protracted legal proceedings. Considering all the factors of the case including the proposed compliance program, the Board will accept the stipulation as proposed by the parties in settlement of this case.

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

ORDER

It is the Order of the Pollution Control Board that:

- 1) The Illinois Environmental Protection Agency and Olin Corporation shall execute the applicable provisions of the stipulation between the parties filed before the Board on March 1, 1979, which stipulation is incorporated by references as if fully set forth herein.
- 2) In consideration of settlement of this action, Olin Corporation shall pay \$10,000.00 to the State of Illinois within 45 days of the date of this Order, said payment to be delivered to the Division of Fiscal Services of the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.
- 3) The Complaint herein is hereby dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 29th day of March, 1979 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board