

ILLINOIS POLLUTION CONTROL BOARD

October 4, 1979

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-266
)
KERR GLASS MANUFACTURING COMPANY,)
a Delaware corporation,)
)
Respondent.)

MR. WILLIAM J. BARZANO, JR. AND MR. THOMAS CHIOLA, ASSISTANT ATTORNEY GENERALS, APPEARED ON BEHALF OF THE COMPLAINANT.

JENNER AND BLOCK, ATTORNEYS AT LAW (MR. EUGENE R. WEDOFF, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the October 19, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that, from October 24, 1977 until the date of the filing of the Complaint, the Respondent operated its holding lagoon facility near Illinois Route 59 in such a manner as to discharge contaminants into a navigable water of the State of Illinois without possessing an NPDES Permit issued by the Agency in violation of Rule 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Section 12(f) of the Illinois Environmental Protection Act ("Act"). Count II of the Complaint alleged that, during specified time periods between October 1, 1977 and March 31, 1978, the effluent discharged by the Respondent at its facilities contained levels of BOD₅ and suspended solids in excess of prescribed limits in violation of Rules 401(c) and 404 of Chapter 3 and Section 12(a) of the Act. After various joint motions for continuance which were granted by the Board, hearings were held on July 20, 1979 and August 24, 1979. The parties filed a Stipulation and Proposal for Settlement on August 24, 1979.

The Respondent is a Delaware corporation which is licensed to transact business within the State of Illinois. Its glass container manufacturing plant is located near the Village of Plainfield in Will County, Illinois. The main process wastewater resulting from glass container manufacturing operations is the cullet quench water.

(Stip. 2). Cullet is broken or refuse glass which is added to new material for melting in making glass. Cooling of hot glass rejected by the container machines is accomplished by a water spray (which contains a small percentage of lubrication oil drippage from the machines). This cool-down operation takes place within the plant itself and is entirely self-contained. Glass from the cullet water is recycled to the process; the water is reused; and oil removal equipment is provided for the cullet water recycle. (Stip. 2; R. 8). The water that has been recycled in the plant and blowdown from the recycling is discharged to the Village of Plainfield's sewage treatment facility, and thus no contaminants are discharged to Norman Drain or any other navigable waterway from this particular aspect of the Respondent's operations. (R. 8).

However, once the glass removed from the cullet water was cooled down inside of the plant, some glass would be taken outside of the plant for storage (until it is used in new batch makeup), on occasion being still wet. (Stip. 3; R. 8). The water which clung to the glass from the cool-down operation (which contains a small amount of oil) often drained outside the plant into the storm water runoff drain. (R. 9). Although blowdown from the cullet water system was discharged to the sanitary sewer, a pipe connection was made available which allowed the discharge of cullet water to the holding lagoons and then into Norman Drain, a tributary of the Des Plaines River and a water of the State of Illinois. (Stip. 2-3).

On October 15, 1975, the Respondent was issued NPDES Permit No. IL-0001422 which allowed the Company to discharge effluent from its facility to Norman Drain from November 15, 1975 until July 1, 1977. On October 14, 1976, the NPDES permit was modified. (See: Exhibit A). The Company's NPDES permit required that all discharges of process water from its facility would be eliminated, and all process wastewater would be discharged directly into the Village of Plainfield's sewage treatment plant, by July 1, 1977. (Stip. 3). However, even after July 1, 1977, some of the Company's process wastewater was discharged into the holding lagoons and then into Norman Drain. This discharge consisted mainly of cullet water which drained from the glass which was stored outdoors. However, on occasion, when the in plant recycling system failed to operate properly, industrial wastewater would also be discharged into the holding lagoons. (Stip. 3-4).

The proposed settlement agreement provides that the Respondent admits the allegations of the Complaint and agrees to: (1) promptly submit a permit application to the Agency containing plans and specifications detailing the cessation of any discharges of contaminants from its holding lagoons to Norman Drain (see: Exhibit B); (2) expeditiously complete the requisite construction subject to various specified reasons for time extensions (the Agency has agreed

to expedite its consideration of the Respondent's permit application and the Company will commence the necessary construction only after approval by the Agency); (3) submit monthly monitoring reports to the Agency of the discharges from its holding lagoons after the completion of construction (effluents monitored will include, at a minimum, oil and grease); and (4) pay a stipulated penalty of \$3,000.00.

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, Kerr Glass Manufacturing Company, has violated Rules 401(c), 404, and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act. The stipulated penalty of \$3,000.00 is hereby assessed against the Respondent.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, Kerr Glass Manufacturing Company, has violated Rules 401(c), 404, and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act.
2. Within 45 days of the date of this Order, the Respondent, Kerr Glass Manufacturing Company, shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$3,000.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

3. The Respondent, Kerr Glass Manufacturing Company, shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed August 24, 1979, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 4th day of October, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board