

ILLINOIS POLLUTION CONTROL BOARD  
April 8, 1976

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-256  
 )  
 MONTGOMERY TANK LINES, INC., )  
 an Illinois corporation, and )  
 JAMES W. FRITZ, an individual, )  
 )  
 Respondents. )

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

This matter is before the Board on a Complaint filed June 27, 1975, by the Attorney General, alleging that Respondents Montgomery Tank Lines, Inc. (Montgomery) and James W. Fritz caused or allowed the emission of odors into the atmosphere in violation of §9(a) of the Environmental Protection Act (Act). Ill. Rev. Stat., Ch. 111-1/2, §1009(a) (1975). A hearing was held in Chicago on January 5, 1976, at which time the parties submitted a Stipulation and Proposed Settlement (Stipulation) which forms the basis of this Opinion and Order.

Montgomery operated a tank truck washing facility at 17750 Chicago Avenue in Lansing, Illinois. Various chemicals, corrosives, edible products, oils and other products were cleaned from the tanks through the use of detergents and, occasionally, caustics. Solid residues from the washing were disposed of by landfilling, and the liquid wastes were previously discharged to the City of Lansing sewer system.

On May 8, 1975, Montgomery cleaned a tank which had contained ethyl acetate. Due to sewer problems, the resulting discharge remained at the site for three days, resulting in severe, nauseous odors which significantly interfered with the enjoyment of life of nearby residents. Montgomery admits to a violation of §9(a) in this regard, and agrees to a penalty of \$500.00.

To prevent future problems, Montgomery moved its location approximately 1,000 feet to the northwest in October, 1975. In addition, Montgomery has ceased washing tanks containing ethyl acetate. Montgomery will also, under the terms of settlement in the Stipulation, take considerable further steps to prevent the recurrence of the odor emissions which led to this case.

Among the steps to be taken by Montgomery are:

1. development of criteria for accepting or rejecting tank trucks for washing and the submission of those criteria to the Attorney General's office for review and approval.

2. maintenance of records of tank trucks accepted for washing, by owner or operator, tank number, substance cleaned and date cleaned; those records are to be available for inspection by the Attorney General's office.

3. development of written operating instructions for the tank washing operation, with the instructions to be posted in a conspicuous manner at or near the platforms adjacent to the washing stalls; the instructions will be submitted to the Attorney General's office.

4. submission to the Attorney General's office of a plan of the washing facilities, with a schematic flow diagram.

5. submission to the Attorney General's office of the names and addresses of those hauling solid waste from the facility, as well as the names of the operators of the landfills to which such wastes are hauled.

6. notification of the Attorney General's office in the event of an upset resulting in significant odorous emissions (meaning odors leading to complaints by three or more individuals, or by a governmental authority).

7. opening the facility for inspection by the Attorney General's representatives during normal business hours.

We find the Stipulation acceptable. The penalty, Montgomery's actions to date, and the actions required by the terms of settlement in this case provide a reasonable assurance that future violations will not occur.

Finally, the parties agree in the Stipulation that James W. Fritz had no interest in Montgomery's operation, and was merely the controlling beneficiary of a land trust owning the real property on which the operation is located. Mr. Fritz shall, as requested, be dismissed.

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. Respondent Montgomery Tank Lines, Inc. is found to have caused a violation of Section 9(a) of the Environmental Protection Act, in the operation of its Lansing, Illinois tank truck washing facility on May 8, 9 and 10, 1975.

2. Respondent Montgomery shall pay as a penalty for the afore-said violation the sum of Five Hundred Dollars (\$500.00), payment to be made within thirty-five (35) days of the date of this Order.

3. Respondent Montgomery shall comply with all terms and conditions of the Stipulation and Proposed Settlement submitted in this matter, within the times set therefor.

4. Respondent James W. Fritz is dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8<sup>th</sup> day of April, 1976, by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board