ILLINOIS POLLUTION CONTROL BOARD

July 24, 1975

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) Complainant,)) PCB 74-208) v.) PETER COOPER CORPORATION,) DIAMOND GLUE DIVISION, a) Delaware Corporation,) Respondent.)

MR. DENNIS R. FIELDS, attorney for Complainant. MR. HENRY W. SLEDZ, JR., attorney for Respondent.

INTERIM ORDER OF THE BOARD (by Dr. Odell)

On June 5, 1974, the Illinois Environmental Protection Agency (Agency) filed a Complaint with the Illinois Pollution Control Board (Board). The Agency alleged that from July 1, 1970, until June 5, 1974, Peter Cooper operated its inedible rendering process creating odor emissions in violation of Section 9(a) of the Illinois Environmental Protection Act (Act). The Agency also charged that violations of Rule 802(b) of the Air Pollution Regulations (Chapter 2) have occurred since July 1, 1972. Respondent's facility is located at 2930 South Robinson Avenue, Chicago, Illinois, in a heavy industrial area of the city.

The first hearing was held in Chicago, Illinois, on October 15, 1974. At that time the parties stated that negotiations were underway to resolve the odor problem and that an agreement would be forthcoming within a few months. The second and final hearing was held on May 16, 1975, in Chicago. Joint Exhibit No. 1 was entered into evidence. This Stipulation and Proposal For Settlement (Stipulation), requiring minor modifications and retyping, was filed with the Board on June 19, 1975.

The Statement of Facts in the Stipulation said that Respondent processes 150,000 pounds of scrap leather daily into glue and fertilizer six days a week. The scrap leather arrives by trucks and rail cars and is chopped and shredded. Cold water washing removes the salt. The scrap leather then enters a cooker where the glue substances contained in the leather are dissolved, leaving a waste product called tankage. The tankage is removed from the cooler with an overhead crane and piled in an open yard on Cooper's property. Later the tankage is fed by a loader into a rotary kiln drier where it becomes a finished product, fertilizer. Twelve employees of Illinois Central Gulf Railroad, the facility to Respondent's immediate north, signed complaint forms and indicated their willingness to testify at hearing. "Each employee complained of continuous objectionable odors emanating from Peter Cooper's property. Many employees stated that the odors make them nauseous and permeate their clothes and automobiles." Two motorists on the nearby Stevenson Expressway complained of the odors from Peter Cooper and stated their willingness to testify. Residents, one-half mile south of the facility, also agreed to testify at a hearing. Scentometer tests conducted on June 5, 1974, required dilution ratios of 128:1 before the odor was no longer detectable.

Procedures carried out by Respondent since 1970 to abate the odor problem include:

- "a. Initial research of available technology and intercorporate communications regarding feasibility of same.
- b. Testing, beginning in March, 1972, to determine the feasibility of installing a drying system for the tankage (\$10,800.00).
- c. Stack tests conducted by Hoyer-Schlesinger-Turner, Inc., at the Diamond Glue facility in Chicago in June of 1974 (\$5,500.00).
- d. Immediately upon filing of the lawsuit, Peter Cooper constructed a building with venting and odor modification system and installed a perimeter odor modification system in December, 1974 (\$25,000.00). The odor modification system and the perimeter odor modification system were removed at the request of the Environmental Protection Agency."

In the Terms of Settlement, Respondent denied any wrong doing and denied that it conducts an inedible rendering process. The Terms of Settlement were conditioned on acceptance by the Board in all respects and were to be void and of no effect if not fully approved by the Board.

A brick building has been constructed to store the tankage prior to its being fed into the rotary kiln drier. From May 15, 1975, until November 15, 1975, the Agency will inspect Respondent's facilities to determine whether the brick building is "eliminating potential sources of odor." A compliance plan -- including possible installation of an afterburner or wet scrubber -- would be implemented if the Agency determined that the Respondent is violating the Act or the regulations and properly notified Peter Cooper within the time limits specified. Respondent agreed, for the purposes of settlement only, to remit to the State the sum of \$1,000. Finally, the Agency "agrees that in any future proceedings brought against Peter Cooper . . . damages shall be sought only for violations occurring after November 15, 1975."

We reject the Stipulation entered into between the parties. In exchange for the payment of only \$1,000 Respondent is in effect given a shield for possible violations extending over a five-year period. The record does not indicate the magnitude of the interference experienced by residents and others who found it necessary to be near Respondent's plant. The compliance program is not specified in sufficient detail to insure that the public is adequately protected. We don't know the extent of Respondent's knowledge of its possible pollution source. No economic data are supplied on Peter Cooper's financial situation. The cost of the newly constructed brick building is not known nor have possible costs of compliance been included in the record. In light of the record, we find the Stipulation unacceptable.

This case is remanded to the parties for further proceedings consistent with this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 2447 day of July, 1975, by a vote of 5-0

Illinois Pollution Jontrol Board