

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1973

ENVIRONMENTAL PROTECTION AGENCY

v.

PCB 72-173

V.P. KREMM AND VIRGINIA KREMM,
d/b/a CHEM-MET CORPORATION

OPINION OF THE BOARD (by Mr. Dumelle)

Mr. Dennis R. Fields, Assistant Attorney General, Environmental
Control Division, appearing for the Environmental Protection
Agency

Mr. John Mulder, appearing for Respondent Virginia Kremm

Complaint was filed against Respondents on April 26, 1972 alleging that on September 10, 1971 and continuing to the present time, (which we construe to mean the date of filing of the complaint), Respondents owned and operated a manufacturing plant located on the Chicago Sanitary and Ship Canal near Stickney, Illinois. The complaint alleges that during the dates aforesaid Respondents operated their plant so as to cause water pollution in violation of Section 12(a) of the Environmental Protection Act, deposited contaminants on the land so as to create a water pollution hazard in violation of Section 12(d) of the Environmental Protection Act, discharged substances into the water which settled to form bottom deposits detrimental to biota and materials which discolor and foul the water in violation of Rules 1.04 - 1a and 1c of SWB-15, discharged effluent into the canal which contained metallic solids exceeding the limits set forth in Rule 1.07 of SWB-15 and failed to provide storage facilities for materials hazardous to health in violation of Rule 1.07 - of SWB-15. Respondent, Virginia Kremm, filed an Answer alleging that all violations described in the complaint have been corrected and that Respondent is in full compliance with all relevant regulations.

We note initially that the complaint is against V.P. Kremm and Virginia Kremm, d/b/a Chem-Met Corporation. While this is a conflict of terms, Respondent Virginia Kremm has filed an Answer alleging that all violations have been corrected but not denying the allegations of the complaint that V.P. Kremm and Virginia Kremm "owned and operated" the facility in question and not denying a commission of the violations alleged. Service appears to have been made properly on all party Respondents and testimony of EPA

witnesses is sufficient to establish the operation of the facility in question by Chem-Met Corporation. In addition Virginia Kremm appeared at the hearing and stipulated as to the identity of certain of the employes contacted by EPA personnel (R. 190). We proceed against the respondents as captioned.

The record discloses that Chem-Met Corporation produces ferric chloride in 750 gallon batches by the mixing of iron and chloride in a heated solution (R. 191). The company's facility is located on the north bank of the Sanitary and Ship Canal. The principal basis for the cause of action arose during a routine inspection being conducted by Thomas Gorman, an Environmental Protection Agency engineer on the Sanitary and Ship Canal on September 10, 1971. An orange colored plume approximately 15 feet wide and between 1/4 and 1/2 mile in length was observed in the stream which extended between the Chem-Met plant and the Ridgeland power station. At that time the precise source of emission was not ascertained. However statements by Chem-Met employes and physical inspection of the Chem-Met site disclosed that the company was in fact the source of the emissions. EPA Exhibit 1 (R. 13) is a photograph taken of the stream indicating the presence of the plume.

Mr. Parker, an employee of Chem-Met indicated that the pipeline had ruptured several weeks previously and substantial quantities of materials had spilled on the ground (R. 42). The material was described as a batch of ferric chloride. Inspection conducted by Agency personnel at the Chem-Met site on September 23, 1971 disclosed the presence of a substantial amount of red stained mud southeast of the main building covering an area ranging from 10,000 to 50,000 feet (R. 17 and 163). The red colored mud drained into gullies which were also described as containing red mud which in turn went down the embankment to the Canal. EPA Exhibit 3 indicates the configuration of the plant of respondent, the gullies, the embankment and Canal. Deposits of reddish-orange material were likewise found in the area of the Canal where the gullies drained extending approximately 15-20 feet to the embankment of the Canal (R. 23). Soil samples taken from the site on January 3, 1972 indicated that the red stained ground and gullies contain concentrations of iron four times higher than the unpolluted ground (R. 65, 73, 83-85, EPA Exhibits 9A, B, and C). Subsequent investigations made by Agency personnel indicate a continuation of the ground pollution condition and a likelihood of potential water pollution resulting therefrom. More samples taken on January 3, 1972 and February 14, 1973 confirm the water pollution potential from this land contamination. Samples were taken from the sink marked "S" on Exhibit 3 and a trough marked "T" on the same exhibit and a pipe discharging into the Canal identified by the Number 3. Readings from the sink and trough indicate relatively small concentrations of iron (EPA Exhibit 10 A & B)

whereas water samples taken from the pipe disclose readings of 110.1 mg/l of iron indicating that this runoff can only be from the ground area in which the ferric chloride had seeped (R. 92-83). Samples were also taken from a ferric chloride disposal pool indicated as "4" on EPA Exhibit 3 (R. 25, 43, 87). Water sample from this pool showed readings of 3,018.8 mg/l of iron (EPA Exhibit D). Respondent's personnel admitted that this ferric chloride filtered down through the ground (R. 43). An additional water sample was taken from a pipe identified as "2". This pipe is buried in the ground and does not appear to be connected to anything. However, groundwater is discharged through the pipe (R. 108-109). Groundwater sample taken from this location indicated 7500 mg/l of iron in the water (EPA Exhibit 11). Sample taken October 3, 1972 taken from 2 bodies of water directly north of the plant show concentrations to be 2860 mg/l and 150 mg/l, respectively of iron (R. 172, 186).

From the total record in this proceeding it is evident that Respondent Chem-Met Corporation permitted a ferric chloride discharge into the Sanitary and Ship Canal on September 10, 1971 and that polluttional discharges, principally of iron, continued from the September 10, 1971 date to the date of filing of the complaint and thereafter. These continuing discharges attributable to Chem-Met Corporation, show failure to limit the groundwater seepage both from the polluted ground on the plant site and through the gullies contiguous to the Canal, as well as the presence of seepage from various pipes and from the ferric chloride pools. While the lagoons, have been filled in part, the red polluted dirt has not been removed and runoff from and through this contaminated area continues unabated (R. 111-116) with continuing polluttional discharge into the Canal.

We find that respondents V.P. Kremm and Virginia Kremm, d/b/a Chem-Met Corporation between September 10, 1971 and April 26, 1972 have discharged contaminants so as to cause water pollution in violation of Section 12(a) of the Act, of creating a water pollution hazard in violation of Section 12(d) of the Act, and of violating SWB-15, Rule 1.04, 1c (discharge of materials causing coloration nuisance) and Rule 1.07-11 (an inadequate storage of hazardous materials to prevent leakage). We assess a penalty in the amount of \$2,500 for the violations aforesaid.

We find that the record does not support the violations of SWB-15, Rule 1.04 1a (creation of bottom deposits) nor of Rule 1.07 with respect to maximum effluent discharges as no measurements were

made at the point of entrance to the Canal.

We will direct that Chem-Met Corporation, within 60 days from the date of this order, cease and desist the continuing violation of all regulations and statutory provisions as found in this opinion.

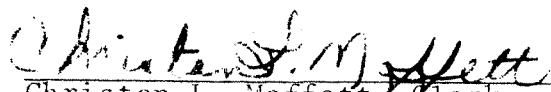
This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

It is the order of the Pollution Control Board that:

- 1) Penalty in the amount of \$2,500 is assessed against V.P. Kremm and Virginia Kremm, d/b/a Chem-Met Corporation for the causing of water pollution in violation of Section 12(a) of the Environmental Protection Act, for the creation of the water pollution hazard in violation of Section 12(d) of said Act, and for violation of SWB-15, Rules 1.04c and 1.07 -11. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.
- 2) Within 60 days from the date of this order, Respondents V.P. Kremm and Virginia Kremm, d/b/a Chem-Met Corporation, shall cease and desist the violation of all regulations and statutory provisions as found in this opinion.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 25th day of August, 1973 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board