

ILLINOIS POLLUTION CONTROL BOARD
September 3, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 80-4
)
ALBA MANUFACTURING COMPANY,)
an Illinois corporation,)
)
Respondent.)

PHILIP L. WILLMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

PUCKETT, BARNETT, LARSON, MICKEY, WILSON & OCHSENSCHLAGER, ATTORNEYS AT LAW (TRIS J. MICHELS, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the January 4, 1980 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, from August 3, 1977 until January 4, 1980 (including, but not limited to, August 3, 1977, April 26, 1978, and June 8, 1978), the Alba Manufacturing Company ("Alba" or the "Company") allowed the discharge of an effluent into Illinois waters from its manufacturing facility (the "facility" or "plant") which contained visible oil and grease in violation of Rule 403 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Section 12(a) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from April 26, 1978 until January 4, 1980 (including, but not limited to, April 26, 1978, August 24, 1978, December 5, 1978, and June 5, 1979), the Company allowed the discharge of an effluent into Illinois waters which contained five-day biochemical oxygen demand ("BOD₅") in excess of five times the numerical standard prescribed in Rule 404(a) of Chapter 3, thereby violating Rules 401(c) and 404(a) of Chapter 3 and Section 12(a) of the Act.

Count III alleged that, from June 8, 1978 until January 4, 1980 (including, but not limited to, June 8, 1978 and August 24, 1978),

Alba allowed the discharge of an effluent into a State water which contained iron in excess of five times the numerical standard set forth in Rule 408(a) of Chapter 3, thereby violating Rules 401(c) and 408(a) of Chapter 3 and Section 12(a) of the Act.

Count III also alleged that, from April 26, 1978 until January 4, 1980 (including, but not limited to, April 26, 1978, June 8, 1978, and June 5, 1979), the Respondent allowed the discharge of an effluent into Illinois waters with pH levels lower than the level allowed by Rule 408(a) of Chapter 3, thereby violating Rules 401(c) and 408(a) of Chapter 3 and Section 12(a) of the Act.

Count IV alleged that, from October 24, 1977 until January 4, 1980, the Company discharged contaminants into a water of the State of Illinois without possessing an NPDES Permit from the Agency for point source discharges in violation of Rule 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count V alleged that the Company, by constructing "river bank coffer dam ponds to contain oil runoff and recycled water from the process area", increased the likelihood of a discharge of contaminants into the Fox River and, from August 3, 1977 until January 4, 1980 (including, but not limited to, August 3, 1977, April 26, 1978, June 8, 1978, August 24, 1978, December 5, 1978, and June 5, 1979), "deposited contaminants upon the land in such place and manner so as to create a water pollution hazard" in violation of Section 12(d) of the Act.

A hearing was held on June 30, 1981 at which an unsigned copy of the Stipulation and Proposal for Settlement was read into the record.

On July 10, 1981, the parties filed an executed Stipulation and Proposal for Settlement which was substantially identical to the unsigned copy which was previously submitted.

The Company owns and operates a plant which is located on 4.2 acres of land on the west bank of the Fox River at 100 West Indian Trail in the City of Aurora in Kane County, Illinois. This facility manufactures and processes glycerin, vegetable acid oil, and other related products. (Stip. 2).

The Respondent stores vegetable oil and waste material in various tanks which are located on its property. Three of the storage tanks have a storage capacity of 14,500 gallons each, while the fourth tank is over twice as big and has a storage capacity of 29,044 gallons. (Stip. 2).

In prior years, the Company also used "an open circulation tank and two holding tanks" in addition to the four storage tanks. The circulation and holding tanks were located just west of the Fox River and were utilized in the recycling of wastewater from the manufacturing process. (Stip. 2).

However, the Company no longer uses the open circulation tank and the two holding tanks. Instead, the Respondent "now pumps wastewater into the sanitary sewer system owned and operated by the Aurora Sanitary District". (Stip. 2).

Deposits of "oil and grease materials" are sometimes found on the ground at the Company's facility "due in part to accidents occurring during normal operations". (Stip. 2). Surface water which flows across the property can then pick up the oily, greasy materials and create various environmental problems. (Stip. 3).

For example, two separate accidents involving spills occurred on April 15, 1977 and August 11, 1978. About 30,000 gallons of a red, oily substance was deposited on the ground when two storage tanks ruptured and spilled on April 15, 1977. (Stip. 2). Similarly, a smaller spill occurred on August 11, 1978 when "approximately 2,000 gallons of vegetable oil leaked from a railroad tank car into a storm drain". (Stip. 2).

At the time of these spills, the Company constructed two earthen ditches to contain the oil spills and then pumped the oily substances into a tank truck for subsequent disposal. (Stip. 2-3).

Agency inspections of the Respondent's facilities, which revealed surface water run-off that resulted in the discharge of contaminants into the Fox River, were conducted on August 3, 1977, April 26, 1978, June 8, 1978, August 24, 1978, December 5, 1978, and June 5, 1979. (Stip. 3-5).

The inspection which took place on August 3, 1977 (in which both Kane County Environmental Division employees and Agency personnel participated) showed that water had overflowed from the Company's circulation tank, had flowed approximately 60 feet along the river bank, and had then "entered the Fox River at a rate of about 15-20 gallons per minute..." (See: Stip. 3; Exhibit A). Water samples of the discharged overflow into the Fox River indicated that "an oily, greasy substance" was present. (Stip. 3).

At the inspection of Alba's facilities on April 26, 1978, employees of the Kane County Environmental Division and the Agency observed that "water flowing from a grease coated pond into the circulation tank...was then overflowing from the circulation tank into three small cofferdam ponds that had been constructed on the bank of the Fox River". (Stip. 3). The inspectors also noted that polluted water from the three small ponds flowed through a trench into the Fox River. (Stip. 3). Subsequent laboratory analyses of water samples from the Fox River discharges "showed a bio-chemical oxygen demand (BOD) concentration of greater than 420 milligrams per liter (mg/l)". (See: Stip. 3; Exhibit B).

On June 8, 1978, inspectors from the Kane County Environmental Division and the Agency "observed that the surface area south of the

circulation tank had been filled in with sod". (Stip. 4). Nevertheless, "they also noticed that a length of corrugated plastic piping had been buried between the tank and the coffer dam ponds" and that the pipe "was discharging at approximately 8-10 GPM into the ponds, which in turn were overflowing into the Fox River". (Stip. 4). The laboratory analysis of a water sample from the Fox River discharges "showed that the water contained a BOD concentration of greater than 100 mg/l, an iron concentration of 58 mg/l, and a pH value of 2.5". (Stip. 4).

A subsequent Agency inspection on August 24, 1978 indicated that conditions at the Respondent's plant were about "the same as they were on June 8, 1978, except that the grease coated pond west of the circulation tank had been dammed off from the tank". (Stip. 4). Turbid water, which had oil spots on the surface, was being discharged into the Fox River at a rate of about 3-5 gallons per minute. (Stip. 4). Laboratory tests of this water "showed a BOD concentration of greater than 480 mg/l and an iron concentration of 13 mg/l". (Stip. 4).

Another inspection by Agency employees took place on December 5, 1978. They observed that turbid water "continued to flow from the circulation tank into the coffer dam ponds and then into the Fox River". (Stip. 4). Laboratory tests of water samples "showed a BOD concentration of 1200 mg/l". (Stip. 4-5).

Approximately seven months later, on June 5, 1979, an Agency inspection revealed "that water continued to flow from the coffer dam ponds into the Fox River". (Stip. 5). Laboratory tests indicated that this water had "a BOD concentration of 350 mg/l and a pH value of 2.9". (Stip. 5).

The parties have stipulated that the Company has taken substantial measures to prevent future spills and eliminate any further surface water run-off problems. The Respondent has re-graded the driveway and parking lot area to the west of the circulation tank in order to divert the flow of surface water away from this tank. (Stip. 5). In addition to various sodding and grading activities, the Respondent has planted grass, trees, and bushes in this area. (R. 11-12).

To prevent water from draining underground into the circulation tank, two nearby manholes have been plugged with cement. (Stip. 5). Moreover, both the circulation tank and the coffer dam ponds have been entirely filled in with clay which should "eliminate the flow of surface and ground water into the tank and the ponds". (Stip. 5).

The proposed settlement agreement provides that the Company shall follow a specified compliance program to prevent oil spills (including daily inspections of all tank drainage fittings and valves, replacement of faulty valves, daily tank inspections for leaks, and weekly steam pressure tests of the main transfer lines), conduct inspections twice a week of its property on the west bank of the Fox River to ensure that no discharges of contaminated water will occur, and pay a stipulated penalty of \$2,500.00. (Stip. 5-6).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

The Board finds that the Respondent, the Alba Manufacturing Company, has violated Rules 401(c), 403, 404(a), 408(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a), 12(d), and 12(f) of the Illinois Environmental Protection Act. The stipulated penalty of \$2,500.00 will be 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, the Alba Manufacturing Company, has violated Rules 401(c), 403, 404(a), 408(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a), 12(d), and 12(f) of the Illinois Environmental Protection Act.

2. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$2,500.00 which is to be sent to:

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

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on July 10, 1981, 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 3RD day of September, 1981 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board