

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1978

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 77-164
)
KRAFT CHEMICAL COMPANY,)
)
 Respondent.)

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

This matter comes before the Board on a Complaint filed June 20, 1977, by the People of the State of Illinois charging that Respondent had caused or allowed the emission of chemical waste material into the atmosphere so as to cause air pollution in violation of Section 9(a) of the Environmental Protection Act. Hearing was held in this matter on May 10, 1978, at which time a Stipulation and Proposal for Settlement executed by the parties was introduced into the record pursuant to Section 331 of the Board's Procedural Rules. No members of the public were present at the hearing.

Respondent is engaged in the receiving, storing and shipping of chemicals and chemical materials and is located at 917 West 18th Street, Chicago, Cook County, Illinois.

The parties stipulate to certain facts regarding the disposal of old files, paper, wood pallets, cardboard, fiberboard and metal drums by Kraft into a dumpster which was delivered by XL Disposal Corporation to Kraft and picked up by XL on June 16, 1977, about 3:15 p.m. The driver was entering the south-bound Dan Ryan Expressway at the 18th Street ramp when the dumpster burst into flames; he dropped the flaming dumpster at approximately 24th Street out of concern for his own safety (Stip. p2-3). The flames and smoke were so intense traffic on the Dan Ryan Expressway was halted in both directions until 5:55 p.m. The Illinois Department of Transportation has calculated that the tie-up resulted in 2,500 excess hours of travel time and an estimated economic cost of \$10,000.00 (Stip. p3).

The contents of the dumpster were completely destroyed eliminating an exact determination of the cause of combustion; Illinois Environmental Protection Agency analysis of charred material indicated higher levels of sodium and nitrates than would have resulted from the burning of the wood, cardboard, paper and metal deposited in the dumpster by Kraft (Stip. p3).

Kraft denies that it violated Section 9(a) but offers no evidence to refute Complainant's contention of violation (Stip. p4).

In settlement, the parties stipulate and agree that Kraft shall pay \$1,500.00 for the violations alleged and take remedial action to prevent recurrence of the incident (Stip. p5-6).

On the basis of the foregoing and the Stipulation and Proposal for Settlement entered into the record on May 10, 1978, the Board finds that the Respondent did, on June 16, 1977, cause or allow the emission of contaminants into the atmosphere causing air pollution in violation of Section 9(a) of the Environmental Protection Act. (See EPA v. Chicago and Northwestern Transportation Company, et al, PCB 76-155, June 8, 1978.) The Board further finds that \$1,500.00 is a sufficient penalty for the violation found herein and will assess that amount as the penalty for the infraction. The Board has considered the application of the requirements of Section 33(c) of the Act to the facts and circumstances herein and finds the Stipulation and Proposal for Settlement acceptable under Rule 331.

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

ORDER

1. Respondent, Kraft Chemical Company, is found to have caused or allowed the emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois in violation of Section 9(a) of the Environmental Protection Act. The Board will assess a penalty of \$1,500.00 for such violation; penalty payment by certified check or money order payable to the State of Illinois shall be made not later than 35 days of the date of this Order to: Office of the Attorney General, Environmental Control Division, Suite 2315, 188 West Randolph Street, Chicago, Illinois, 60601.

2. Respondent, Kraft Chemical Company, shall comply with all of the terms and conditions of the Stipulation and Proposal for Settlement filed May 10, 1978, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22ND day of June, 1978 by a vote of 5-0.

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