

ILLINOIS POLLUTION CONTROL BOARD
April 16, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-205
)
WEIR MACHINE AND FOUNDRY)
COMPANY, INC., an Illinois)
corporation,)
)
Respondent.)

ALICE KOHN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE
COMPLAINANT.

PALMER, BLACKMAN, MANCINI & RIEBANDT, P.C., ATTORNEYS AT LAW
(MR. DOMINIC J. MANCINI, 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 September 28, 1979
Complaint brought by the Illinois Environmental Protection Agency
("Agency"). This Complaint alleged that, from October 24, 1977
until September 28, 1979, the Respondent discharged wastewater
containing contaminants from its plant into a storm sewer system
tributary to Big Rock Creek without an NPDES Permit in violation of
Rule 901 of Chapter 3: Water Pollution Control Regulations
("Chapter 3") and Sections 12(a) and 12(f) of the Illinois Environ-
mental Protection Act ("Act").

After preliminary discovery commenced, lengthy settlement
negotiations ensued. On November 20, 1980, the Board entered an
Order to expedite proceedings in this matter. A hearing was held
on February 10, 1981. The parties filed a Stipulation and Proposal
for Settlement on March 3, 1981.

The Respondent, the Weir Machine and Foundry Company, Inc.
(the "Company"), owns and operates a metal parts manufacturing
facility in the City of Plano, Kendall County, Illinois which
discharges about 50,500 gallons per day of non-contact cooling water
into a storm sewer system tributary to Big Rock Creek, an Illinois
water. (Stip. 1-2).

On March 26, 1976, the Agency sent the Company a letter pertaining to the possible necessity of an NPDES Permit to allow wastewater discharges into the storm water collection system of the City of Plano. (See: Exhibit A). Subsequently, on March 2, 1979, another letter was sent to the Company which informed the Respondent that an NPDES Permit was required. (See: Exhibit D). Accordingly, the Company sent a short form NPDES Permit application to the Agency which was received by the Agency on August 2, 1979. (Stip. 3).

After the initial NPDES Permit application was received, the Agency requested that the Company submit a standard form NPDES Permit application because water samples taken in 1979 indicated that low concentrations of various metals were present in wastewater discharges. (See: Exhibits B and C).

The standard form that the Company submitted proved to be satisfactory and the Agency issued an NPDES Permit to the Respondent on January 4, 1980 for the discharge of non-contact cooling water into the Big Rock Creek. (See: Exhibit E).

The proposed settlement agreement provides that the Company cease and desist from further violations and pay a stipulated penalty of \$1,700.00 . (Stip. 3-4).

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 Weir Machine and Foundry Company, Inc., has violated Rule 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act. The Respondent will be ordered to cease and desist from further violations and a stipulated penalty of \$1,700.00 will be assessed against the Company.

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 Weir Machine and Foundry Company, Inc., has violated Rule 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.

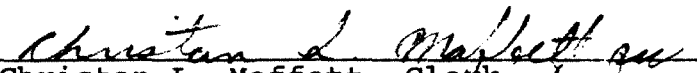
3. Within 30 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of

Illinois, pay the stipulated penalty of \$1,700.00 which is to be sent to:

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

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed March 3, 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 16 day of April, 1981 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board