

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1979

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-152
)
ATLANTIC RICHFIELD COMPANY,)
a Pennsylvania corporation,)
)
Respondent.)

MS. JUDITH S. GOODIE, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. STEVEN M. WOLF, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the May 24, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that, at some time after March 7, 1972, the Respondent constructed a wastewater treatment works at its Rockford oil terminal without the requisite Construction Permit issued by the Agency in violation of Rule 951(a) of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Section 12(b) of the Illinois Environmental Protection Act ("Act"). Count I also alleged that, at some time after May 16, 1977, the Respondent modified its treatment works by increasing the height of the containment walls surrounding its holding pond without the necessary Construction Permit from the Agency. Count II alleged that, at some time after December 31, 1972 and continuing on each day of operation until the date of filing of the Complaint, the Respondent operated its treatment works without an Operating Permit from the Agency in violation of Rule 953(a) of Chapter 3 and Section 12(b) of the Act. Count III alleged that, at some time after July 27, 1973 and continuing until the date of filing of the Complaint, the Respondent allowed the operation of its treatment works without an Agency certified treatment works operator in violation of Rule 1201 of Chapter 3 and Section 12(b) of the Act. A hearing was held on March 20, 1979. No members of the public attended.

At the hearing, the Assistant Attorney General indicated that all the actions to be taken by the Respondent to come into compliance were keyed to the date of the signing of the Stipulation and Proposal for

Settlement (i.e., January 29, 1979) and should have been taken by March 1, 1979. (R. 4). However, the permit application for the oil-water separator was not submitted on time - it was received by the Agency on March 15, 1979. (R. 4). It appears that chemical analysis of one effluent sample was not obtained due to the fact that the sample itself could not be procured by virtue of the prevailing weather conditions (i.e., heavy snow) and the covering of the outfall by several feet of snow. (R. 6).

On June 26, 1979, the Agency filed an Advisement to the Board as to the status of the parties with respect to the terms of the settlement agreement admitted into evidence at the hearing on March 20, 1979. (See: Joint Exhibit No. 1). The proposed settlement agreement provided that, beginning on March 1, 1979 and continuing thereafter, the Company would not operate its oil-water separator without an Agency Operating Permit and an Illinois Certificate of Technical Competency (as an Industrial Wastewater Treatment Works Operator) pertaining to such operation issued by the Agency. Exhibit A of the Advisement consisted of a copy of the water pollution control permit issued by the Agency on March 22, 1979 which allowed the Respondent to construct and/or operate its oil-water separator system subject to a condition that the operator of the permitted facilities be certified by the Agency. However, the Advisement noted that, as of June 20, 1979, the Agency had not received a completed application for the required Certificate of Technical Competency, nor had such a certificate been issued for the facility.

On July 20, 1979, the Board received a letter (including documentation) from the Company which stated that it had submitted an application for the Certificate of Technical Competency to the Agency on May 7, 1979 and that, by letter of June 6, 1979, the Agency had responded with a request for a written technical discussion of the waste treatment facility involved. The Company indicated that it was in the process of responding to the Agency's request. Subsequently, the parties filed on October 22, 1979 the Stipulation and Proposal for Settlement which they signed on January 29, 1979.

The stipulated facts indicate that the Respondent, Atlantic Richfield Company, is a Pennsylvania corporation, authorized to do business in Illinois, which is engaged in the exploration, development, production, marketing and transportation of petroleum, natural gas, mineral and chemical products. The Respondent owns and operates an oil terminal facility located at 1511 South Meridian Road in Rockford, Winnebago County, Illinois. It is stipulated that the Respondent installed a gravity-displacement oil-water separator in 1975 to catch and retain petroleum products in the event of a spill, tank car compartment leak, or rupture at the truck loading rack.

There is no discharge into Illinois waters from this treatment works. Rainwater runoff washes the waste oil into drainage trenches near the truck loading rack and resulting wastewater is piped by gravity flow to a 10,000 gallon underground separator tank. After the

oil and water are separated by gravity displacement, the recovered oil is pumped to a storage tank which is located on the Respondent's property. The remaining water is pumped through a 4 inch diameter pipe which is 135 feet long. This water is discharged into a 34,200 gallon holding pond on the site.

In May of 1977, the height and width of the retaining wall of the holding pond were increased to prevent unwanted water discharges from the pond. (Stip. 2). The Respondent constructed, operated and modified the oil-water separator without the requisite Construction and Operating Permits from the Agency. Moreover, from 1975 until 1979, the oil-water separator was operated without the direct supervision of an Agency certified industrial wastewater treatment works operator. (Stip. 3).

It is also stipulated that, on June 14, 1978, the Respondent submitted to the Agency an application for a permit pertaining to the oil-water separator. However, on August 8, 1978, the Agency informed the Respondent by letter that its application was denied (citing the need for additional information to complete the Agency's technical review). (Stip. 3).

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, Atlantic Richfield Company, has violated Rules 951(a), 953(a), and 1201 of Chapter 3: Water Pollution Control Regulations and Section 12(b) of the Act. The Respondent is directed to follow the compliance program set forth in the Stipulation and Proposal for Settlement. The stipulated penalty of \$3,500.00 is hereby 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, Atlantic Richfield Company, has violated Rules 951(a), 953(a), and 1201 of Chapter 3: Water Pollution Control Regulations and Section 12(b) of the Illinois Environmental Protection Act.
2. 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 \$3,500.00 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 October 22, 1979, which is incorporated by reference as if fully set forth herein.

Mr. Goodman abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15th day of November, 1979 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board