

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1976

CITIZENS FOR A BETTER ENVIRONMENT,)
an Illinois not-for-profit corporation,)
Complainant,)
v.)
STEPAN CHEMICAL COMPANY,)
a Delaware corporation,)
Respondent;)
STEPAN CHEMICAL COMPANY,) PCB 74-201
Petitioner,) PCB 74-270
v.) PCB 74-317
ENVIRONMENTAL PROTECTION AGENCY,) (CONSOLIDATED)
Respondent;)
STEPAN CHEMICAL COMPANY,)
Petitioner,)
v.)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

The Board's Principal Opinion and Order in this matter was entered on February 14, 1975. 15 PCB 445; 15 PCB 467 (Mr. Dumelle, concurring); 15 PCB 469 (Dr. Odell, dissenting as to the penalty). A Supplemental Opinion and Order of the Board was subsequently entered on May 8, 1975, on Stepan's Motion for Rehearing and Reconsideration, modifying certain portions of the February 14, 1975 Order. The facts and history of this matter are summarized adequately in those Opinions, and need not be repeated here.

On July 14, 1976, the Board received notification that the Appellate Court of Illinois, Third District, had on Motion by CBE, Stepan and the Agency, issued a Mandate remanding the matter to the Board without prejudice to the pending appeal. Stepan Chemical Co. v. Pollution Control Board, No. 75-187 (Dist. Ct. App. 3d Dist. Ill., June 16, 1976).

The parties' Motion before the Appellate Court was based on a Stipulation and Proposal for Settlement (Stipulation) submitted to the Board on June 29, 1976. In that Stipulation all three parties ask that the Board amend certain portions of its February 14, 1975 Order (as amended May 8, 1975). The Stipulation shows that:

1. During the pendency of this case before the Board and during the appeal by Stepan of the penalty and Variance conditions set in our February 14 and May 8, 1975 Orders, Stepan has continued construction of additions to its wastewater treatment plant designed to bring its discharges into compliance with Rule 404(b) of Chapter 3: Water Pollution. This has included installation of a large pre-aeration tank (for equalization and additional BOD removal), and a pressure filtration system for treating secondary effluent. The capital and annual operating costs for these improvements are \$1,300,000 and \$74,200, respectively.

2. Construction has been carried on pursuant to a construction permit issued by the Agency. Said construction should be completed by July 31, 1976.

3. Stepan has filed a new Variance case, PCB 75-503, asking for Variance extension to July 31, 1976. (That case is decided separately today.)

4. Stepan constructed the pipeline from its plant to the Des Plaines River, as required by our Orders, at a cost of over \$45,000. That construction was completed by August 8, 1975.

5. Stepan has, although not specifically required under the Board's prior Orders, installed process wastewater recycle systems for certain production processes and constructed a centralized truck loading collection facility to allow waste recycle in case of large spills. These projects have cost approximately \$65,300.

6. Prior to completion of the above construction projects, Stepan has improved the average quality of its effluent by changing the primary operator of the wastewater treatment plant, and making certain changes in plant operating techniques. Although the resulting levels of 75 mg/l and 80 mg/l for BOD and SS are not within the limits set by our February 14 and May 8, 1975 Orders, they are improvements over prior conditions at Stepan's Millsdale Plant. (Compliance with the 20/25 mg/l limits of Rule 404(b) is to be achieved by July 31, 1976.)

Based on those facts, the parties have jointly asked that we amend our prior Orders to allow for Stepan's improved performance. The proposed changes are a reduction of the penalty imposed (from \$15,000 to \$8,000) and a loosening of the conditions on Stepan's Variance.

Based on the Stipulation and the facts shown there, the fact that the parties (including Complainant CBE in PCB 74-201) have jointly asked this relief, and the fact that this will provide an acceptable end (in light of Stepan's imminent compliance) to a long and difficult adjudication process, we shall accept the proposal. We agree that it is in the best interests of the public in this case to allow a final solution that will avoid further proceedings before this Board or the Appellate Courts, while providing for compliance.

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

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that the Orders of February 14, 1975 and May 8, 1975 be amended as follows:

1. Paragraph 4 of the Board's Order of February 14, 1975, shall read as follows:

...

4. Stepan Chemical Company shall pay to the State of Illinois, within 30 days of the date of this Order, the sum of \$8,000 as a penalty for the violations found in this proceeding. 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. Paragraph 1(b) of the Board's February 14, 1975 Order, as amended in Paragraph 1 of the Board's May 8, 1975 Order, and Paragraph 2(a) of the Board's May 8, 1975 Order are amended as follows:

...

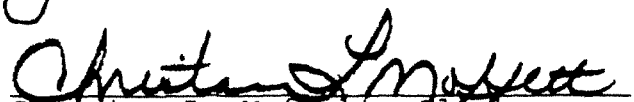
1. During the term of this variance Stepan's discharge to Cedar Creek shall comply with Rule 404(f) and 404(h) except that the applicable 30-day average numerical limits shall be 75 mg/l BOD and 80 mg/l SS.

...

2. (a) During the term of this variance Stepan's discharge to the Des Plaines River shall comply with Rule 404(b) and 404(h) except that the applicable 30-day average numerical limits shall be 75 mg/l BOD and 80 mg/l SS.

Mr. James Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Final Opinion and Order were adopted on the 5th day of August, 1976, by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board