

ILLINOIS POLLUTION CONTROL BOARD
November 10, 1977

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 76-304
)
 E. TARGOSZ AND COMPANY, an Illinois)
 corporation and McINTYRE CHEMICAL)
 COMPANY, LTD., a Delaware corporation,)
)
 Respondents.)

MR. JAMES N. CAHAN, ASSISTANT ATTORNEY GENERAL, APPEARED FOR THE
COMPLAINANT.

MS. MARY C. SCHLOTT, ATTORNEY AT LAW, APPEARED FOR RESPONDENT TARGOSZ.

MR. JACK L. BLOCK OF SACHNOFF, SCHAAGER, JONES & WEAVER, LTD.,
APPEARED FOR RESPONDENT MCINTYRE

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

I. LEGAL BACKGROUND

This matter comes before the Board upon the November 23, 1976
Complaint filed by the Attorney General charging E. Targosz and
Company (Targosz), an Illinois corporation, with violations of
Rules 203, 401(c), 403, and 404(f) of Chapter 3: Water
Pollution (Chapter 3) and Section 12(a) of the Environmental
Protection Act (Act). On January 31, 1977, the Attorney
General filed an Amended Complaint which named McIntyre
Chemical Company (McIntyre), a Delaware corporation, as an
additional Respondent in the above action and brought a second
charge against Targosz alleging violations of Rule 103(a)(1)
and 103 (b)(1) of Chapter 2: Air Pollution (Chapter 2) and
Section 12(b) of the Act. On March 24, 1977 a second amended
complaint was filed charging Targosz and McIntyre with a
later violation of Rule 203 of Chapter 3: Water Pollution
and Section 12(a) of the Act. A hearing was held on May 26, 1977.

The parties filed a Stipulation and Proposal for Settlement on August 4, 1977, late amended by an Amended Stipulation and Proposal for Settlement filed October 14, 1977.

II. FACTUAL BACKGROUND

At the time of the alleged violations, Targosz and McIntyre shared a common facility located in Schaumburg, Cook County, Illinois used for the production of various chemical products, including anti-freeze, soaps, and detergents. This facility consisted of a warehouse-type building containing chemical process equipment and filling lanes, an outdoor unloading area, and two outdoor mixing tanks resting on railroad ties. The outdoor area slopes downward toward a drainage ditch which discharges into an unnamed tributary of Springbrook Creek.

Spilling of chemical liquids are a recurring problem at this facility. Spills are caused by repeated connection and disconnection of flexible hoses, leaks in the flexible hoses, leakage from filling lane operations, and leakage from unloading of tank trucks. At this facility, liquids spilling inside the building were collected from the floor and placed into two waste liquid holding tanks. Spills occurring outside the building flowed into the drainage ditch except those that were collected into a 30-gallon drum buried in the unloading area.

Both Targosz and McIntyre vacated this facility subsequent to the dates of the alleged violations. Targosz is continuing its operations at a new facility located in the State of Illinois.

On or about September 29, 1976, waste liquid was accidentally siphoned from a waste liquid holding tank onto the unloading area and from there into the drainage ditch. Targosz admits in the stipulation that this discharge violated Rules 203, 401(c), 403 and 404(f) of Chapter 3 and Section 12(a) of the Act. On February 7, 1977, a coconut oil mixture used in the manufacture of soap overheated while in a reactor, boiled out through an open vent onto the unloading area, and flowed into the drainage ditch. Targosz admits in the stipulation that this discharge violated Rule 203 of Chapter 3 and Section 12(a) of the Act. McIntyre makes no admission of liability with regard to either incident.

Targosz constructed and operated a horizontal dry blender capable of emitting particulate matter into the atmosphere after April 14, 1972. Specific dates of construction and operation of the blender are not contained in the record. Targosz did not obtain construction or operating permits for this blender from the Environmental Protection Agency (Agency) and admits in the stipulation that it violated Rules 103(a)(1) and 103(b)(1) of Chapter 2.

III. STIPULATION AND SETTLEMENT

The parties have agreed that Targosz shall undertake the following compliance measures with regard to its new facility. First, Targosz agrees to inform the Attorney General of the location of its new facility and to allow the Attorney General to inspect its new facility at any time and without prior notice until July 31, 1979. Second, Targosz will give oral and written notice to the Attorney General of any spill occurring at its new facility. Third, Targosz agrees to obtain all necessary permits from the Agency. Fourth, Targosz shall submit to the Attorney General all plans for construction or modification of the manufacturing area or manufacturing equipment at its new facility.

The parties have stipulated a penalty of \$2250.00 against Targosz and \$250.00 against McIntyre.

The Board accepts the Amended Stipulation and Proposal for Settlement and finds Targosz and McIntyre (as co-operator of the facility) in violation of Rules 203(a), 401(c), 403, and 404(f) of Chapter 3 and Section 12(a) of the Act on or about September 29, 1976 and in violation of Rule 203(a) of Chapter 3 and Section 12(a) of the Act on February 7, 1977. We also find Targosz in violation of Rules 103(a)(1) and 103(b)(1) of Chapter 2, and thereby Section 9(b) of the Act after April 14, 1972. The Board imposes the stipulated penalties of \$2250.00 against Targosz and \$250.00 against McIntyre as adequate to aid enforcement of the Act.

This Opinion and Order constitutes the findings of fact and conclusions of law of the Board.

ORDER

It is the Order of the Pollution Control Board that:

1) Targosz and McIntyre violated Rules 203(a), 401(c), 403, and 404(f) of Chapter 3 and Section 12(a) of the Act on or about September 29, 1976 and violated Rule 203(a) of Chapter 3 and Section 12(a) of the Act on February 7, 1977.

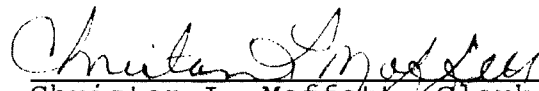
2) Targosz is in violation of Rules 103(a)(1) and 103(b)(1) of Chapter 2 and Section 9(b) of the Act after April 14, 1972.

3) Within 30 days of the date of this Order, Targosz shall pay a penalty of \$2250.00 and McIntyre shall pay a penalty of \$250.00, payment to be made by certified check payable to the Treasurer of the State of Illinois and forwarded to:

Attorney General's Office
Environmental Control Div.
188 West Randolph St., Suite 2315
Chicago, Illinois 60601

4) Targosz and McIntyre shall comply with all the terms and conditions of the Amended Stipulation and Proposal for Settlement filed October 14, 1977, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 10th day of November, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board