

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1980

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and METROPOLITAN SANITARY)
DISTRICT OF GREATER CHICAGO,)
)
Complainants,)
)
v.) PCB 75-12
)
INTERNATIONAL HARVESTER COMPANY,)
a Delaware Corporation, and WSC)
CORPORATION, a Delaware)
Corporation,)
)
Respondents.)

MS. JUDITH GOODIE, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

MR. PHILLIP ROTHENBERG APPEARED ON BEHALF OF THE METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO.

MR. JAMES SCHINK, KIRKLAND & ELLIS, APPEARED ON BEHALF OF RESPONDENTS.

OPINION AND ORDER OF THE BOARD (by I. Goodman):

This matter is before the Board upon a complaint filed January 8, 1975 by the Illinois Environmental Protection Agency (Agency) and the Metropolitan Sanitary District of Greater Chicago (MSD) alleging that International Harvester Company (Harvester) had violated Rule 703(a) of Chapter 3 of the Board's Water Pollution Control Rules and Regulations (Regulations) and Section 12(a) of the Illinois Environmental Protection Act (Act).

On February 27, 1975 the proceedings herein were stayed pending the conclusion of the Board's consideration of a related proposed regulation. On November 30, 1978, subsequent to the resolution of that regulatory proceeding, the Board vacated the stay and ordered this enforcement proceeding to hearing. On June 12, 1979 WSC Corporation (WSC), successor in interest to Harvester, was joined in the proceeding by the hearing officer herein. A hearing was held on June 22, 1979, at which time the parties presented a Stipulation and Proposal for Settlement to the Board under Procedural Rule 331. The Board rejected the Stipulation and Proposal for Settlement on August 23, 1979 and remanded it to the parties. Another hearing was held on February 13, 1980, at which hearing a second Stipulation and Proposal for Settlement (Stipulation) was presented.

The subject of this enforcement proceeding is a steel mill facility known as Wisconsin Steel and in particular the facility's coke plant. Until August 1, 1977 the facility was owned and operated by Harvester. After that date the ownership and the operation of the facility was in WSC. The complaint generally alleges discharges of cyanide from the coke plant to a sewer, owned by the City of Chicago, which then discharges to the sewer system owned by the MSD, in concentrations which exceeded the limitations of Rule 703(a) of the Regulations. The parties stipulate that the violation did occur.

The stipulation calls for WSC to achieve compliance with the Board's regulations, and with the MSD's Sewer and Waste Control Ordinance, by the installation of a CYAM pretreatment system for the coke plant effluent. The Stipulation calls for installation of the pretreatment system within 18 months after the issuance of construction permits by the Agency but in no event later than October 30, 1981. Compliance with Rule 703(a) is scheduled by December 31, 1981. The Stipulation also allows for delays due to circumstances beyond the control of WSC and provides that any termination of the operation of the coke plant facilities shall terminate WSC's obligation to construct the pretreatment plant. In addition, the Stipulation calls for a penalty payment by Harvester to the State of Illinois in the amount of \$12,000 for the violations found and a payment by Harvester to MSD in the amount of \$12,000 as reimbursement of costs. It is proposed that WSC pay a penalty to the State of Illinois in the amount of \$5,500 for the violations found and that WSC reimburse MSD in the amount of \$5,500 for costs.

The parties agree that the proposed pretreatment installation will achieve compliance with the Regulations. The estimated cost of the facility is \$8-9,000,000. The Board finds the Stipulation to be a reasonable resolution of the situation and hereby accepts it and incorporates it by reference as if fully set forth herein.

The Board notes that the Wisconsin Steel facility is presently shut down, apparently due to financial difficulties incurred by WSC. The Board shall, therefore, on its own motion, invoke the provisions of Paragraph 17 of the Stipulation, which calls for extension by the Board of the time for compliance for a period equal to the delay resulting from circumstances beyond the control of WSC. The Board shall order the compliance date of December 31, 1981 to be held in abeyance until such time as WSC decides to restore the coking operation at the Wisconsin Steel facility. This delay in compliance shall in no way affect the other duties of the parties under the Stipulation or the Order entered herein, including the payment of fines and costs. The Board shall retain jurisdiction in this matter.

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

ORDER

1. International Harvester Company and WSC Corporation are found to have violated Rule 703(a) of the Illinois Pollution Control Board's rules and regulations, Chapter 3: Water Pollution, and Section 12(a) of the Illinois Environmental Protection Act. The parties herein shall execute their duties as recited in the Stipulation and Proposal for Settlement presented to the Board at the hearing held February 13, 1980, which Stipulation and Proposal for Settlement is hereby incorporated by reference as if fully set forth herein.

2. Achievement of the compliance program and compliance dates contained in the aforementioned Stipulation and Proposal for Settlement are hereby held in abeyance, pursuant to Paragraph 17 of the Stipulation and Proposal for Settlement, until such time as WSC Corporation restores the coking operation at the Wisconsin Steel facility.

3. International Harvester Company shall pay to the State of Illinois a penalty in the amount of \$12,000 for the violations found herein, payment to be made to:

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

4. International Harvester Company shall pay to the Metropolitan Sanitary District of Greater Chicago the amount of \$12,000 as reimbursement of costs incurred in connection with this proceeding.

5. WSC Corporation shall pay to the State of Illinois a penalty in the amount of \$5,500 for the violations found herein, payment to be made to:


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

6. WSC Corporation shall pay to the Metropolitan Sanitary District of Greater Chicago the amount of \$5,500 as reimbursement of costs incurred in connection with this proceeding.

7. The Board shall retain jurisdiction in this matter.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 18th day of September, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board