

ILLINOIS POLLUTION CONTROL BOARD
October 25, 1973

Environmental Protection Agency,)
)
Complainant,)
)
v.) PCB 72-226
)
Baird Chemical, Division of)
Lonza, Incorporated,)
)
Respondent.)

Larry R. Eaton, Special Assistant Attorney General on
behalf of Complainant,
John C. Parkhurst, on behalf of Respondent.

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

On June 2, 1972, Complainant, Environmental Protection Agency, filed this enforcement against Respondent, Baird Chemical, Division of Lonza, Incorporated. Respondent is the owner and operator of a chemical plant located in Mapleton, Hollis Township, Peoria County, Illinois. Of Respondent, the Agency alleges as follows:

1. Since July 1, 1970, Respondent has modified and changed its holding lagoon and started constructing a primary clarifier, which are facilities and/or equipment capable of causing or contributing to water pollution or designed to prevent water pollution, without obtaining a permit from the Environmental Protection Agency in violation of Section 12 (b) of the Environmental Protection Act (Ill. Rev. Stat. ch. 111 1/2 § 1012 (b) (1970)), hereinafter cited as "Act."

2. Since July 1, 1970, and in particular on July 20, 1971, August 16, 1971 and August 18, 1971, Respondent caused, threatened or allowed the discharge of contaminants from its facilities into a natural drainage ditch which is water of the State and thence immediately into Pond Lilly Lake, which is a backwater of the Illinois River, and a water of the State of Illinois, so as to cause or tend to cause water pollution in Illinois; in violation of the following:

- 1) Section 12 (a) of the Act;
- 2) Section 12 (b) of the Act;
- 3) Section 12 (c) of the Act;
- 4) Rules 1.03 and 1.08 of the Rules and Regulations of the Sanitary Water Board, SWB-14, continued in effect pursuant to Section 49 (c) of the Act.

3. Since August 8, 1966, Respondent has operated its waste treatment facilities without the supervision of a certified operator in violation of Rule 1.03 of the Rules and Regulations of the Sanitary Water Board, SWB-2, continued in effect by Section 49 (c) of the Act.

4. Since September 1, 1965, Respondent has failed to submit operational reports in violation of Rule 1.03 of the Rules and Regulations of the Sanitary Water Board, SWB-6, continued in effect by Section 49 (c) of the Act.

This cause comes before the Board with a Petition for Settlement entered into between the respective parties at the September 13, 1973, public hearing. Respondent admits, for the purpose of producing a settlement of this action only, to the violations as alleged with the exception of 4. above. This Board so finds.

Respondent requests that we approve, as an abatement program, Respondent's Paragraph 8 Exhibit. Respondent's Paragraph 8 Exhibit is a five-page document which details the actions already taken and those actions planned by Respondent to achieve full compliance. The itemized steps taken by Respondent from January, 1969, through July, 1973, have cost \$416,000.00. Plans and commitments made for work relating to the waste water treatment system during the next two years are anticipated to cost an additional \$345,000.00.

To date, the following abatement procedures have been accomplished pursuant to the abatement plan detailed in the Paragraph 8 Exhibit:

1. Installation of a new ditch to create a salt pit.
2. Construction of two cooling towers.
3. Purchase of additional real estate in order to eliminate all concerns as to whether effluent could harm adjacent land owners.

4. Modification of settling pit to provide improvement in primary treatment.
5. Construction of a holding lagoon, in order to eliminate all waste water effluent.
6. Installation of surface condensers to replace all direct contact condensers, in order to reduce hydraulic and BOD load in the waste water to an absolute minimum.
7. Alteration of plant drainage, such that part of the storm waters will by-pass the waste water system.

Pursuant to the Paragraph 8 Exhibit, Respondent is currently working to increase the cooling water capacity, which will provide water for its condensers, and is doing additional work on plant drainage. Also in accordance with the Paragraph 8 Exhibit, Respondent will proceed with the necessary secondary treatment system and/or evaporation system and/or recirculation system once the results of the current flow-reduction work are known. Completion is scheduled for early in 1975, at an estimated cost of \$250,000.00. Finally, Respondent states that it is committed to take those steps which are necessary to provide for zero waste water effluent from its facilities of those steps that are necessary to provide effluent of such quality that it will meet the appropriate quality standards.

The Board approves the Petition for Settlement and the abatement plan submitted by Respondent and recommended by the Agency.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that Respondent, Baird Chemical, Division of Lonza, Incorporated shall:

1. Implement the program described in the Paragraph 8 Exhibit, prepared by and bearing the signature of Mr. Richard Ray, Plant Manager at Respondent's Mapleton plant, and conform to the timetable and deadlines set forth therein.
2. Post a performance bond with the Agency, in a form satisfactory to the Agency, binding Respondent to a bond in the amount of \$20,000, to assure substantial compliance with the

program described in Paragraph 8 Exhibit.

3. Pay a penalty in the sum of \$1,000.00, within thirty-five days of the date of this Order approving this Settlement Petition to the State of Illinois, Fiscal Services Section, EPA, 2200 Churchill Road, Springfield, Illinois.
4. Investigate as soon as possible to determine if any seepage from Respondent's waste water treatment system is leaking into Mapleton Creek. This investigation will be conducted in cooperation with the Agency. If any such seepage is occurring, Respondent will take all reasonable steps to correct the problem.
5. Maintain its current zero effluent status, or in the event that a discharge from its facilities does occur, assure that such discharge will meet all applicable standards. Before any discharge from its facilities into Mapleton Creek or Pond Lilly Lake occurs, Respondent will notify the Agency seven days in advance of any discharge in order that tests can be made to determine whether the proposed effluent is in compliance with the applicable effluent standards.
6. Submit quarterly reports, commencing Jan. 1, 1974, to the Agency, regarding the progress of the program described in Paragraph 8 Exhibit, until said program is complete and on line.
7. Attend a conference to be held between the parties including representatives of the Permit Section of the Division of Water Pollution Control of the Environmental Protection Agency, at which time it shall be determined what permits are required by the Agency. All such permits so required, will be sought by Respondent, and all reasonable and necessary efforts will be made to obtain same. These permits will include an operating permit, and a certified operator, for its present facilities (which shall be considered waste water treatment facilities), as well as those hereafter constructed or modified.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 25th day of October, 1973 by a vote of 5 to 0.

Christan L. Moffett

