

ILLINOIS POLLUTION CONTROL BOARD

March 28, 1974

ENVIRONMENTAL PROTECTION AGENCY )  
COMPLAINANT )  
 )  
 )  
 v. ) PCB 71-368  
 )  
 )  
 GLIDDEN-DURKEE, DIVISION OF SCM )  
 CORPORATION )  
 RESPONDENT )  
 )

JOSEPH S. WRIGHT, JR., ATTORNEY, in behalf of GLIDDEN-DURKEE  
JEFFREY R. DIVER, ATTORNEY, in behalf of the ENVIRONMENTAL PROTECTION  
AGENCY

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This action involves an enforcement case brought by the Environmental Protection Agency against Glidden-Durkee Corporation. The action, first filed on November 29, 1971 and amended January 19, 1972, and March 2, 1972, alleges violation of both air and water pollution regulations. Violations of Section 9 (a) of the Environmental Protection Act are alleged to have occurred on certain dates between October 1, 1971, and November 29, 1971, during the operation of Respondent's waste lagoon. Violations of SWB-8 Rules 1.03 (c), 1.08, 1.09, 12 (a), and 12 (b) of the Environmental Protection Act were also alleged in regards to the water pollution charge.

Glidden-Durkee owns and operates an industrial foods plant (edible oil refining) south of Joliet, Illinois, near the city of Channahon. Said facility has been in operation since 1971, and discharges its waste stream into the Des Plaines River. Respondent alleges that during the process of site selection, they noted that no municipal sewage facilities were available. It was then decided by Respondent to construct private waste treatment facilities. It is the alleged malfunctions of these facilities that gave rise to the instant complaint.

After lengthy and unaccountable delay, hearing was held on October 2, 1972. At this time both parties reported that a stipulated agreement was being worked on and would be shortly forthcoming. A brief outline of the proposed stipulation was elicited, indicating that a compliance plan had been agreed upon and was under way. Completion of all construction and compliance with regulations were tentatively anticipated by October 1973 (R. 60).

Nothing further was heard on this matter until March 1, 1974, at which time a Stipulation and Proposal for Settlement duly signed by both parties

was received by the Board.

The Board in researching the record on this matter can find no reason for the prolonged delay between the abovementioned sequence of events. It is noted, however, that Respondent did not stand still during this time period, and an ongoing design-construction program has been carried out. This indicates that while a long period of time expired between the original filing of the complaint and this final Order, the public interest was considered and a diligent attempt at abatement has occurred. As will be outlined below, the Stipulation agreed upon will be accepted by the Board as a final settlement in this matter.

Discussion of Violations: Respondent has detailed for the Board the nature of and factors leading to its discharge problems, as well as its proposed abatement plans (Joint Exhibit 1 and 2).

Respondent alleges that the original treatment plant was based on their best engineering judgment as to the kinds and amounts of waste to be treated. The design was unique in Respondent's opinion and presented novel questions which led to a relatively high degree of risk. Respondent presently has Phase I of its treatment facilities on stream (as of July 30, 1973). Phase II is presently under construction and is anticipated for completion by April 30, 1974.

Before the filing of this complaint, Respondent claims that violations of 9 (a) occurred due to unexpected upsets in their treatment lagoons. Emissions of hydrogen sulfide gas were discernible in neighboring communities on various occasions. Respondent traced these emissions to its use of alum as a coagulating agent as well as poor oxygen transfer due to sudden waste surges. The use of alum was discontinued in October 1971, and a tighter control over waste loading has also been instituted. Respondent also details violations of SWB-8 by stating that the following levels of contaminants have been observed:

<u>Constituent</u>	<u>High</u>	<u>Low</u>	<u>Req. SWB-8</u>
BOD <sub>5</sub>	1530+ mg/l	90 mg/l	20-40 mg/l
TSS	700+ mg/l	54 mg/l	25-45 mg/l
Fecal Coliform	200,000,000/ 100 ml	12,000/ 100 ml	

There is also a discussion of waste stream discoloration and the presence of floating material.

Respondent alleges and the Agency concurs (Stipulation Paragraph 12) that the proposed settlement and abatement plan will serve to abate the above pollution and bring Respondent into compliance with present Board regulations.

The Board finds that the proposed settlement, when considered along with the exhibits tendered, the record of hearing, and consideration of

Section 33 (c) of the Environmental Protection Act conclusively prove violations as charged by the Agency and constitute a fair and equitable settlement. Said settlement will be so accepted and the terms therein will constitute the final Order of this Board.

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:

1. Respondent shall by April 30, 1974, be in full compliance with any and all applicable rules or regulations of the Illinois Pollution Control Board. Such compliance shall be accomplished by implementation of Respondent's plan as outlined in Joint Exhibit #2 as referred to above. A final report shall be submitted to the Agency by April 30, 1974.
2. In the event that Respondent, its consultant, and the Agency determine that different or additional steps than there outlined in Exhibit 2 are required to obtain compliance, Respondent shall take such steps.
3. Respondent shall apply to the Agency for all applicable installation and operating permits as may be required.
4. Respondent shall not exceed the following discharge contaminant levels during the installation of its effluent control program:
  - a) BOD 400 mg/l
  - b) TSS<sup>5</sup> 300 mg/l
  - c) Fecal coliform 30,000/100 ml
  - d) Color White/gray
  - e) All visible material shall be promptly removed by Respondent from its waste stream
5. For violations of air and water regulations enumerated above, Respondent shall pay to the State of Illinois the sum of \$20,000 within 30 days of the date of this Order. 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.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 28th day of March, 1974, by a vote of 5 to 0.

