

ILLINOIS POLLUTION CONTROL BOARD

January 6, 1972

ENVIRONMENTAL PROTECTION AGENCY)
)
 v) PCB 71-318
)
ALTON BOX BOARD COMPANY,)
a corporation)

C. Dana Eastman, Jr., Attorney for the Environmental Protection Agency
Karl K. Hoagland, Attorney for Alton Box Board Company

Opinion and Order of the Board (by Samuel R. Aldrich)

In October the Environmental Protection Agency filed a complaint against Alton Box Board Company alleging violations of the Environmental Protection Act and of SWB-14. Respondent owns and operates a factory for the manufacture of paper products in Highland, Madison County, Illinois.

The complaint alleges that Respondent: 1) caused, allowed, and in future, threatens the discharge of contaminants in the form of ink wastes into a tributary of Sugar Creek in violation of Section 12 (a) of the Act; 2) caused a failure to meet minimum conditions as to water quality by discharging industrial substances in such degree as to cause a nuisance in violation of Rule 1.03(c) of SWB-14 pursuant to Section 49(c) of the Act; and 3) failed to meet treatment requirements with respect to industrial waste discharges in violation of Rule 1.08, paragraph 10(b)(3) of SWB-14. The Agency asks the Board to issue a cease and desist order and to assess penalties up to \$10,000 for each violation plus up to \$1000 per day for each day such violation was shown to continue.

The Agency on December 17, 1971, filed a motion with the Board to amend Paragraph B. The gist of the amendment was to replace the phrase "to cease and desist from all violations" with "restraining Alton Box Board Company from unlawfully discharging industrial ink wastes." Inasmuch as the new language is more limited in scope, it does not result in an element of surprise to Respondent.

Respondent operates a paper products manufacturing plant which utilizes various colored inks in the labeling process. Of the 300,000 to 400,000 gallons of water utilized by the company all except approximately 200 gallons (150 to 350 gallons at various points in the record) have been discharged into the sanitary sewer. The 200 gallons result from the washing of presses when a change is made to ink of another color. The small volume of wash water goes to a settling tank which upon cleaning, releases the 200 gallons which flows through a pipe into the small unnamed ditch which feeds into Sugar Creek.

The Agency alleges that on eight days, May 3, 4, 21, 27, June 9, 12, 22 and 26, the discharge into the unnamed ditch was discolored by ink and contained excessive turbidity. The record including colored photographs confirms the discoloration of the water and excess turbidity in the cutfall pipe and in the ditch. There is no information in the record as to the effect on the receiving stream except for color and perhaps turbidity. No undesirable effect on aquatic life is charged. A local resident stated that he noted the discoloration about once per week. He said that no odor was associated with the discharge. We find that the allegations of the Agency were proved and that Respondent is guilty of three violations.

When the Agency informed Alton Box Board Company on May 21, 1971, that it had found a pipe discharging ink into the ditch, Respondent reacted promptly. On May 27, 1970, Respondent filed a letter outlining four possible methods of disposal. On June 29, 1971, Alton notified the Agency that it had requested the city of Highland to allow discharge of the press washings into the municipal sewer system and on August 30, 1971, reported that such a connection had been completed.

We find that the discharge was small, the impact on the receiving waters was likely minimal, and that Respondent acted promptly and effectively to correct the problem. We shall order Respondent to cease and desist from the discharge of its ink wastes and to pay a nominal penalty of \$250 for the proven violations.

Mr. Dumelle would raise the penalty to \$1000. This Opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. Alton Box Board Company shall cease and desist from the discharge of industrial ink wastes.
2. Alton Box Board Company shall within 35 days of the filing of this order pay a penalty of \$250 to the State of Illinois.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order this 6 day of January, 1972 by a vote of 4-0.

Christan L. Moffett