

ILLINOIS POLLUTION CONTROL BOARD

February 27, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.) PCB 74-327
NORTHWESTERN CHEMICAL COMPANY,)
an Illinois corporation,)
Respondent.)

Mr. John S. O'Brien, attorney for Complainant.
Mr. John E. Reinert, attorney for Respondent.

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On September 6, 1974, the Environmental Protection Agency (Agency) filed a Complaint against the Northwestern Chemical Company with the Pollution Control Board (Board). The Agency charged that beginning January 1, 1973, and continuing to September 6, 1974, the Respondent operated its wastewater source without an Operating Permit in violation of Sections 12(a) and (b) of the Environmental Protection Act (Act) and Rule 903(a) of the Water Pollution Regulations (Chapter Three).

Respondent operates a facility in West Chicago, DuPage County, Illinois, where chicle and other raw materials are processed and refined to manufacture chewing gum. Condenser water, wash water, spills, boiler blowdown, and water softener brine are discharged via floor drains or direct connections into a storm sewer of the City of West Chicago (City) with an outlet to a tributary of Kress Creek.

A hearing was held at the City Hall in West Chicago, Illinois on Thursday, December 19, 1974. A Stipulation and Proposal For Settlement was entered into evidence. No witnesses were called; no interested citizens came forward to ask any questions or make any comments. The Statement of Facts indicated that until 1953 the wastewater discharged into a sanitary sewer. Thereafter, at the request of the City, discharge has been made into a storm sewer. Periodically, the Respondent and City have discussed re-connecting the wastewater discharge to the City's sanitary sewer. Respondent's only notice from the Agency of its need for a permit was an oral admonition on January 4, 1973. A Construction Permit application was submitted to the Agency on November 22, 1974. A permit was issued on December 13. On December 17, 1974, Respondent applied for a permit to install a waste incinerator. Respondent has hired a firm to purchase and install the equipment contemplated

by both permit applications. The cost is estimated to be in excess of \$100,000.

For the purposes of Settlement, Respondent admitted the allegations as set out in the Complaint.

The Terms of Proposed Settlement were expressly conditional upon acceptance by the Board in all respects. The parties stipulated that:

" (a) The Respondent shall diligently accomplish all matters contemplated by the EPA Permit application submitted on November 22, 1974. City-approved discharge of certain wastes to the West Chicago sanitary sewer as set forth therein shall be effected within 30 days of the date of an Order of the Board accepting this proposed settlement.

" (b) Respondent agrees to pay to the State of Illinois a penalty in the amount of Two Thousand Dollars (\$2,000.00) in full settlement of the causes of action alleged in said Complaint and occurring prior to the date hereof. Payment of such penalty shall be made immediately upon receipt of an Order of the Illinois Pollution Control Board accepting the proposed settlement . . . "

We accept the Stipulation and Proposal For Settlement entered into between the parties. The agreement provides for the correction of the problem and the imposition of a penalty in sufficient amount to deter others from violating the Act and Regulations. Finally, the public interest is properly protected by the method in which the parties have resolved the issues in this case.

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 diligently accomplish all matters contemplated by the Agency Permit application submitted on November 22, 1974. City-approved discharge of certain wastes to the West Chicago sanitary sewer as set forth therein shall be effected within 30 days of the date of this Order.

2. Respondent shall pay a penalty of \$2,000.00 for its violations of the Act and Regulations established in this Opinion. Payment shall be by certified check or money order payable to the

State of Illinois, Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706. Payment shall be made within 14 days of the adoption of this Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 27th day of February, 1975, by a vote of 4 to 0.


Christan L. Moffett