

ILLINOIS POLLUTION CONTROL BOARD  
May 23, 1972

ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 ) #72-98  
 v. )  
 )  
 TEXACO, INC., )  
 a corporation )

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.)

Complaint was filed by the Environmental Protection Agency against Texaco, Inc., Respondent, alleging that on or about March 5 through March 14, 1971, Respondent operated a salt water disposal well near Olney, Illinois, in a manner which caused, threatened or allowed the discharge of iron, lead and other contaminants into the East Fork Creek, the tributary of East Fork River, so as to cause or tend to cause water pollution, either alone or in combination with matter from other sources, in violation of Section 12(a) of the Environmental Protection Act ("Act"); that Respondent allowed the discharge of waste waters of an alkaline nature into said creek in violation of Rule 105(b) of Rules and Regulations SWB-14 of the Sanitary Water Board; and allowed the discharge of oil and other floating contaminants into said creek, in violation of Rule 103(b) of SWB-14, thereby violating Section 12(a) of the Act, and that from March 5, 1971 until the date of the filing of the complaint, Respondent has operated said salt water disposal well in a manner which threatens to pollute the waters of Illinois and creates a hazard, in violation of Sections 12(a) and (d) of the Act. A cease and desist order and penalties in the maximum statutory amount are sought.

A stipulation was entered into between the Environmental Protection Agency and Texaco, Inc. setting forth that on September 3, 1963, the Department of Mines and Minerals of the State of Illinois issued a permit to Respondent to drill or convert a well for water input on the Scherer lease, located near Olney, Illinois, which was utilized for salt water injection continuously until March 8, 1971. In the course of operating its several wells on the Scherer lease, Respondent extracted brine water and oil mixture from the earth which was separated, the brine being discharged into a large metal tank and then pumped to the injection well previously described.

On or about March 5, 1971, a mechanical failure in the injection well pump resulted in leakage and a quantity of brine liquid from the holding tank escaped into East Fork Creek, a tributary of the East Fork River, at a point near the Olney Public Water Department's inlet,

which resulted in strong odor and bad taste in Olney's drinking water. The leak was discovered on March 7, 1971 and water samples taken in the East Fork Creek, the results of which were as follows:

	<u>Upstream</u>	<u>Downstream</u>
Ph	7.1	11.6
Chlorides	85 PPM	1250 PPM
Total Solids by Electrical Conductivity	540	8,650
Alkalinity	200	1700
Iron	4.2 PPM	2.0 PPM
Lead	0.03 PPM	0.08 PPM
Phenol		52 PPM

On March 11, 1971, Respondent's District Superintendant informed the Environmental Protection Agency of the following analysis of material being injected into the well:

Ph	12.1
Specific gravity	1.194
Acid oils	11%
NaOH	6.17%
NaSO4	6.22%
Phenols	2670 PPM
Lead	213 PPM

The Stipulation further provides that if the Mayor of Olney was called as a witness, he would testify that upon the discharge from the injection well being discovered, Respondent dispatched a work crew to the area, and that subsequently, Respondent "had men working around the clock to clean up the area where the discharge occurred and took steps to dam the affected area, and then pumped and hauled away all discharge which had collected, and eventually stripped two feet of top soil which was also hauled away and disposed of."

Both the Environmental Protection Agency and the State Department of Mines and Minerals were immediately notified upon learning the source of discharge.

The Mayor would also testify that the City of Olney was fully compensated by Respondent by which payment each water user was able to obtain a rebate on the monthly billing for the period of time the water was affected.

On July 9, 1971, the injection well was purchased by the City of Olney and permanently plugged. The Stipulation further notes that Respondent has "spent substantial sums of money in cleaning up the discharge and compensating those who were adversely affected by it."

Neither party has received any indication that members of the public wish to testify in this case.

The Order tendered in the stipulation provides for the payment of a \$200.00 penalty. While the amount of the penalty may be relatively small in consideration of the extent of the violation, it appears from the Stipulation that the Respondent took immediate and successful steps, at considerable cost to itself, to abate the discharge and also compensated those who were damaged as a consequence thereof. The purchase and tapping of the well by the City of Olney terminates its pollution potential so far as Respondent is concerned. Further, where the parties have agreed to the disposition of the case and the proposal is reasonable and will abate future pollution problems, we are disposed to enter our order in accordance with the understanding of the parties. Cf. Environmental Protection Agency v. Granite City Steel Company, #70-34, Opinion dated May 3, 1972. We accept the Stipulation and enter our Order accordingly.

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

IT IS THE ORDER of the Pollution Control Board that penalty in the amount of \$200.00 is assessed against Texaco, Inc. for violation of Section 12(a) and 12(b) of the Environmental Protection Act and Sections 103(b) and 105(b) of the Sanitary Water Board Rules and Regulations SWB-14. Said amount shall be payable to the State of Illinois and sent to the Environmental Protection Agency, Fiscal Services Division, 2200 Churchill Drive, Springfield, Illinois 62706, within thirty-five days from the entry of this Order.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 23<sup>RD</sup> day of May, 1972, by a vote of 4 to 0.

