

ILLINOIS POLLUTION CONTROL BOARD  
October 14, 1971

JOHN JUERGENSMEYER )  
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 v. ) # 70-35  
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 FOX VALLEY GREASE BLENDING CO. )

Opinion of the Board (by Mr. Currie):

This case originated upon a citizen complaint alleging that Fox Valley Grease Blending Co. was causing both water and air pollution by discharging grease and other pollutants into the Fox River at South Elgin. After the company announced the closing of its plant and the consequent cessation of pollution at that site, the initial complainant was satisfied. But the Environmental Protection Agency, which had been asked for its comments, intervened with a further complaint seeking money penalties for the past infractions and alleging in addition that the company's new plant, in Huntley, Illinois (McHenry County), had begun operation without obtaining the necessary permit for its water pollution control facilities. A hearing was scheduled.

The parties have stipulated to all the necessary facts, so no hearing will be required. The company admits that until the business was moved it "regularly discharged more than 100 gallons of heated waste fluids daily into Popular Creek, a tributary of the Fox River, and these waste fluids contained particles of grease and grease by-products which caused water pollution in violation of Section 12(a) of the Environmental Protection Act"; that "an odor was given off by the business that tended to cause air pollution in violation of the Environmental Protection Act, Section 9(a)"; and that "the operation of Respondent's plant in Huntley, Illinois, without a permit from the Environmental Protection Agency is a violation of Section 12(b) of the Environmental Protection Act."

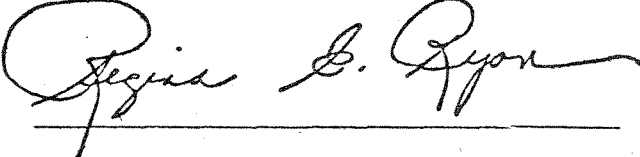
The company further agrees to pursue its permit application, which was filed after notification of the need for a permit by the Agency, and in the event the permit is denied and review exhausted, has agreed not to operate in violation of the Act or regulations. The only issue remaining is that of money penalties. The Agency asks a penalty of not less than \$3,000; the company asks that the penalty not exceed \$300. We think in view of the two wholly separate violations involved, the permit case coming after the company already was in trouble over pollution, and in light of the fact that the initial offense was continuous, long-standing, and serious enough to prompt the filing of a formal citizen complaint, a penalty of \$3000 is appropriate: \$2000 for the air and water pollution at

South Elgin and \$1000 for the failure to obtain a permit.

ORDER

1. Fox Valley Grease Blending Co. shall pursue the pending application for a permit to operate the facilities at Huntley, Illinois, and in the event the permit is denied and its remedies for review exhausted, it shall not operate its plant in violation of the Environmental Protection Act or of regulations effective thereunder.
2. Fox Valley Grease Blending Co. shall within 35 days after receipt of this order pay to the State of Illinois a penalty of \$3000.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 14 day of October, 1971.



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