

ILLINOIS POLLUTION CONTROL BOARD  
April 21, 1988

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 85-18  
 )  
CONCENTRATE CORPORATION, an )  
Illinois Corporation; )  
ALBA MARKETING CORPORATION, )  
an Illinois Corporation; and )  
ROBERT K. ARUNDALE II, )  
 )  
Respondents. )

MS. MARCIA BELLOWS AND MR. JOSEPH ANNUNZIO APPEARED ON BEHALF OF  
COMPLAINANT, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY;

MR. JOHN GOSSELIN APPEARED ON BEHALF OF ALL RESPONDENTS.

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon Complainant's February 1, 1985, seven count complaint, filed by the Attorney General's Office on behalf of the Illinois Environmental Protection Agency (IEPA). Count I alleged that employees of Respondent Alba Marketing improperly discharged vegetable oil wastes into the sewer system of the City of Lemont, Cook County, Illinois. Count II alleged that the above referenced discharge illegally occurred at an unpermitted facility. Count III alleged that the above referenced waste was illegally delivered to an unlicensed hauler. Count IV alleged violation of waste manifest requirements. Count V alleged that respondent Alba Marketing hauled or transported special waste without a valid waste hauling permit. Count VI alleged that during its transport of the special waste, Respondent Alba Marketing failed to adhere to required manifest requirements. Count VII the alleged that Respondent Arundale disposed of the waste at an unpermitted facility.

The Attorney General's Office's March 22, 1985 Motion For Change Of Venue was granted; hearing was held on November 4, 1987 at 4711 W. Golf Road, Skokie, Cook County, Illinois. No members of the public attended. At hearing the parties introduced a partially executed Stipulation. Signature for the IEPA was subsequently obtained. On March 30, 1988 the Attorney General's Office motioned for leave to amend the complaint to conform with the terms of the Stipulation. The Board granted this Motion on April 7, 1988.

In evaluating this enforcement action and proposed settlement agreement, the Board has considered the facts and circumstances in light of the specific criteria set forth at Ill. Rev. Stat. ch. 111 1/2 par. 1033(c) and finds the Stipulation and Proposal For Settlement acceptable under 35 Ill. Adm. Code 103.180. Accordingly the Board orders Respondent to comply with the Order set forth below.

This Opinion and Order constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

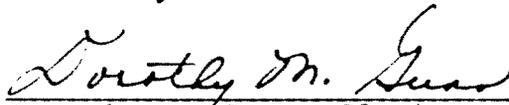
It is the Order of the Illinois Pollution Control Board that:

1. The Board hereby accepts the March 30, 1988 Stipulation Of Facts And Proposed Settlement executed by the Illinois Attorney General's Office and Respondents Concentrate Corporation, Alba Marketing Corporation and Robert K. Arundale II. The terms and conditions of the Stipulation; which is attached hereto, are incorporated into this Order.
2. The Board finds that Respondents have violated Section 21(e) of the Illinois Environmental Protection Act [Ill. Rev. Stat. ch. 111 1/2 par. 1021(e)].
3. Respondent shall pay a civil penalty of three thousand dollars (\$3,000). The penalty shall be paid at the rate of three hundred dollars (\$300) per month, with the first payment to commence 30 days after the entry of this Order. Payment shall be made by certified check or money order payable to the Environmental Protection Trust fund and delivered to:

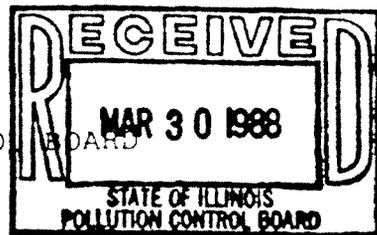
Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, IL 62706

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 21st day of April, 1988 by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD



ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
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 Complainant, )  
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 vs. )  
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 CONCENTRATE CORPORATION, an )  
 Illinois corporation; )  
 ALBA MARKETING CORPORATION, )  
 an Illinois corporation; and )  
 ROBERT K. ARUNDALE II, )  
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 Respondents. )

PCB 85-18

STIPULATION OF FACTS AND PROPOSED SETTLEMENT

Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Agency"), by Neil F. Hartigan, Attorney General of Illinois, and Respondents, CONCENTRATE CORPORATION ("Concentrate"), ALBA MARKETING CORPORATION ("Alba Marketing") and ROBERT K. ARUNDALE II ("Arundale"), by their attorney, John Gosselin, submit the following Stipulation of Facts and Proposed Settlement to the Pollution Control Board pursuant to 35 Ill. Adm. Code 103.180. The parties agree that the interest of the public and the parties hereto will best be served by resolution of the proceeding without further litigation under the terms and conditions provided herein and they offer this Statement of Facts and Proposal for Settlement in lieu of a full evidentiary hearing.

STATEMENT OF FACTS

1. At all times pertinent hereto, Concentrate was a corporation organized and existing under the laws of Illinois.

2. At all times pertinent hereto, Concentrate operated a business for the processing and sale of waste vegetable oils at 611 South Spaulding Street, Spring Valley, Bureau County, Illinois ("Concentrate facility").

3. At all times pertinent hereto, Respondent Arundale was the president of Concentrate and active in and responsible for the operation of the Concentrate facility.

4. At all times pertinent hereto, Alba Marketing was a corporation organized and existing under the laws of Illinois.

5. At all times pertinent hereto, Alba Marketing operated a business at 508 Clearwater Drive, North Aurora, Kane County, Illinois.

6. Consequent to its business, Alba Marketing contracted to haul and dispose of wastes.

7. At all times pertinent hereto, Respondent Arundale was president of Alba Marketing and was active in and responsible for its operations.

8. On July 5, 1983, Alba Marketing entered into a lease, as lessee, of certain premises located at One West River Road, Lemont, Cook County, Illinois ("River Road site").

9. On July of<sup>ga</sup>, 1983, Concentrate and Alba Marketing, by and through their mutual president, Robert K. Arundale II, entered into an agreement for Alba Marketing to transport and dispose of 40,000 pounds of vegetable oil wastes generated at the Concentrate facility.

10. On July 12, 1983, Metropolitan District investigators observed employees of Alba Marketing discharging the aforementioned vegetable oil wastes into the Lemont Sewer System at the River Road site leased by Alba Marketing.

11. By discharging the wastes into the Lemont Sewer System, Concentrate, Alba Marketing, and Robert K. Arundale II disposed of waste at a site that did not meet the requirements of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat., Ch. 111-1/2, et seq. in violation of Section 21 (e) of the Act (Count I - Amended Complaint).

12. The vegetable oil wastes were wastes as defined in Section 21(e) of the Act.

13. The vegetable oil wastes were generated at the Concentrate facility in Illinois.

14. On July 12, 1983 the Agency contends that Alba Marketing did not have a valid special waste hauling permit issued by the Agency but Alba Marketing denies that it needed such a waste hauling permit.

15. On July 12, 1983, the Agency contends that Concentrate and Arundale delivered special wastes generated in Illinois to a hauler (Alba Marketing) who did not have a special waste

hauling permit in violation of 35 Ill. Adm. Code 809.301 and Section 21(d) of the Act (Count II - Amended Complaint), but Alba Marketing denies that it required such a special waste hauling permit.

16. Pursuant to court order in civil case number 83 CH 24, Bureau County, Illinois, Concentrate has ceased doing business.

17. Pursuant to court order in criminal case number 83 C 10047, Cook County, Illinois, Concentrate and Arundale paid \$13,000 to the Metropolitan Sanitary District in restitution for damage caused to the Lemont Sewer System by the aforementioned discharge of wastes on July 12, 1983.

18. The cost of disposing of 40,000 pounds of waste vegetable oil at a local landfill is approximately 7 cents per pound or \$2,800.00.

19. By disposing of the wastes in a sewer rather than a landfill, Respondents had economic savings of \$2,800.00.

#### TERMS OF SETTLEMENT

The parties agree that this proposed settlement is expressly conditioned upon and effective only with the approval thereof in all respects by the Board. The parties also agree that they shall not be bound by the terms and conditions hereof and this Statement of Facts and Proposal for Settlement shall be void and of no effect in the event the Board fails to approve the following terms in all respects:

A. Respondents admit to have violated Section 21(e) of the Environmental Protection Act, Ill.Rev.Stat., Ch. 111-1/2, par. 1021(e).

B. The Agency contends and Respondents neither admit nor deny that Respondents have violated Section 21(d) of the Environmental Protection Act, Ill.Rev.Stat., ch. 111-1/2, par. 1021(d), 35 Ill. Adm. Code 809.301, and 35 Ill. Adm. Code 809.501 as set out in Counts II and III of Complainant's First Amended Complaint.

C. Respondents shall pay a civil penalty of \$3,000.00. The parties agree that a penalty in this case is necessary to promote enforcement of the Act due to the severe harm caused by the violations. Payment of restitution by the Respondents and the fact that Respondent Concentrate has ceased doing business were considered in determining the penalty. The standard for the penalty was economic savings.

The penalty shall be paid at the rate of \$300.00 per month, with the first payment to commence 30 days after the date of the Order of the Board accepting this Stipulation. Payments shall be made by certified check or money order payable to the Environmental Protection Trust Fund and delivered to:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Joseph E. Drobode

Dated: 2/24/88

CONCENTRATE CORPORATION

By *R. K. Arundale II*

Dated: *Nov 4, 1967*

ALBA MARKETING CORPORATION

By *R. K. Arundale II*

Dated: *Nov 9, 1967*

*R. K. Arundale II*  
ROBERT K. ARUNDALE II

Dated: *Nov 9, 1967*