

ILLINOIS POLLUTION CONTROL BOARD
August 18, 1983

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 82-84
)
SCHNOWSKE BY-PRODUCTS, INC.,)
an Illinois Corporation,)
)
Respondent.)

MR. THOMAS R. CHIOLA, ASSISTANT ATTORNEY GENERAL, APPEARED ON
BEHALF OF THE COMPLAINANT.

MR. EVERETT SCHNOWSKE AND MR. LARRY SCHNOWSKE APPEARED PRO SE.

OPINION AND ORDER OF THE BOARD (by W.J. Nega):

This matter comes before the Board on the June 23, 1982
24-count Complaint brought by the Illinois Environmental Protection
Agency (Agency) which alleged that the Respondent, Schnowske
By-Products, Inc. (Schnowske), improperly operated its rendering
plant by discharging wastewaters into Illinois waters without the
requisite NPDES Permit and by violating the Board's effluent and
water quality standards.

A hearing was held on June 6, 1983. The parties filed a
Stipulation and Proposal for Settlement on July 20, 1983.

The Respondent owns and operates an animal rendering plant
in Cambridge, Henry County, Illinois. Prior to 1974, this plant
was operated by a partnership d/b/a/ Cambridge Rendering Works.
Mr. Everett Schnowske was a partner in the Cambridge Rendering
Works and is currently President, a member of the Board of Directors,
and a major shareholder in Schnowske By-Products, Inc. (R. 9).
Mr. Larry Schnowske is Vice-President, a member of the Board of
Directors, and owner of a substantial number of shares in this
family enterprise.

The rendering facility processes livestock (such as
cattle and hogs), bones, tallow, animal blood wastes, and paunch
manure and produces dry animal feed supplement, hides, and animal
fats. Cookers, boilers, and a condensor are used in the rendering
process. Wastewater generated by the rendering process is sent
through septic tanks to a two-cell lagoon system. The second
cell of the treatment facility discharges from a pipe on a hillside
which slopes toward the South Fork of an unnamed tributary of

Spring Creek, with discharges entering the stream. Boiler blowdown water, excess chemically-treated boiler feed water, wastewater from the water softener, and liquid wastes (primarily grease in the form of tallow) have been discharged to a hillside and have flowed into an unnamed tributary to Spring Creek without the requisite NPDES Permit.

On October 21, 1966, the Illinois Sanitary Water Board (predecessor of the Illinois Pollution Control Board) advised the Cambridge Rendering Works (predecessor of Schnowske By-Products, Inc.) that it was in violation of Illinois law because it: (1) constructed the wastewater treatment facilities without the required permit, and (2) discharged inadequately treated wastewater into Illinois waters. (See: Exhibit 1). On November 22, 1966, Beling Engineering Consultants responded to the Sanitary Water Board's letter and indicated that the requisite permits for the facilities would be promptly obtained and that no discharges would result until the necessary permits were obtained. (See: Exhibit 2). On December 6, 1966, the Sanitary Water Board, in its reply to the letter of the engineering firm, noted that the treatment lagoon should not have an overflow pipe (or other structure) allowing a discharge. (See: Exhibit 3).

On September 14, 1967, the Sanitary Water Board again warned Cambridge Rendering Works that discharges from the treatment system violated state law and that past commitments to rectify the situation remained unfulfilled. (See: Exhibit 4). On August 3, 1969, Schnowske's predecessor company was again warned about the water pollution resulting from its improper discharges. (See: Exhibit 5). On January 17, 1973, the Agency notified Schnowske's predecessor that construction and operating permits for its wastewater treatment facilities were required. (See: Exhibit 6). In July, 1980, Schnowske was notified that an Agency inspection had revealed that discharges from its rendering plant and wastewater treatment facilities were causing violations of applicable regulations and corrective action was suggested. (See: Exhibit 7).

Agency inspections of the Respondent's rendering plant and receiving streams were conducted on various occasions (including April 30, 1980; January 29, 1981; April 14, 1981; July 22, 1981; and September 3, 1981). Sampling of effluent discharges and water quality, stream sampling, and photos all indicate that violations did, in fact, occur. (See: Exhibits 8,9,10,11 and 12). Such violations included: (1) discharges from the treatment lagoon without an NPDES Permit which exceeded the appropriate effluent limits; (2) improper discharges of boiler make-up water, boiler blowdown water, various hide wastewaters, and water softener water without an NPDES Permit which violated the requisite effluent limits and water quality standards; (3) improper discharges from the rendering plant and from an open dump site; (4) failure to have a properly certified operator for its treatment lagoon, and (5) failure to file the necessary monthly reports. (Stip. 5-8).

The proposed settlement agreement provides that the Respondent admits the violations alleged in the Complaint and agrees to: (1) cease and desist from further violations; (2) follow a specified compliance schedule and timetable to obtain the requisite permits and install the appropriate improvements to bring Schnowske into full compliance with all applicable regulations for wastewater discharges from its rendering plant; (3) monitor discharges from its present lagoon treatment system for 15 specified parameters upon completion of the requisite improvements; (4) limit discharges of contaminants from the lagoon; (5) submit the necessary discharge monitoring reports and monthly operating reports to the Agency; (6) promptly employ a properly certified operator after its upgraded treatment system is completed; (7) dispose of solid and liquid wastes which do not go into the lagoon system at an Agency-approved landfill; (8) apply for its NPDES Permit by August 1, 1983; and (9) pay a stipulated penalty of \$9,000.00 in installments. (Stip. 8-14; See: Exhibit 13).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act (Act) and finds the settlement agreement generally acceptable under 35 Ill. Adm. Code 103.180.

However, paragraphs 26 and 27 on pages 12-13 of the Stipulation and Proposal for Settlement contain unacceptable language which provides for contingent penalties if the construction schedule is not met in a timely fashion and calls for an improper delegation of the Board's authority to the Agency .

Thus, the Board will accept the proposed settlement agreement with the proviso that paragraphs 26 and 27 of the Stipulation and Proposal for Settlement be stricken. A certification of acceptance and agreement to be bound to all terms and conditions of the Board's Order (including the deletion of paragraphs 26 and 27 of the proposed settlement agreement) has been included as paragraph 5 of the Board's Order. If the parties choose not to accept the modified settlement agreement, the Stipulation and Proposal for Settlement is rejected in toto and the case is remanded to the parties for appropriate action.

The Board finds that the Respondent, Schnowske By-Products, Inc., has violated 35 Ill. Adm. Code 302.203; 302.208; 304.105; 304.106; 304.120; 304.201; 305.102; 309.102; and 312.101 and Sections 12(a), 12(d), 12(f) and 21(a) of the Act. The Respondent will be ordered to cease and desist from further violations; follow the compliance plan set forth in the modified Stipulation; and to pay the stipulated penalty of \$9,000.00 in specified installments.

This Opinion 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 Respondent, Schnowske By-Products, Inc., has violated 35 Ill. Adm. Code 302.203; 302.208; 304.105; 304.106; 304.120; 304.201; 305.102; 309.102; and 312.101 and Sections 12(a), 12(d), 12(f), and 21(a) of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.

3. Within 90 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay a first installment of \$3,000.00 on the total stipulated penalty of \$9,000.00 which is to be sent to:

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

The second installment of \$3,000.00 shall be paid within 120 days after the first installment; and the third installment of \$3,000.00 shall be paid within 120 days after the second installment, in the same manner and fashion as the first installment (i.e., by certified check or money order payable to the State of Illinois and sent to the Agency).

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on July 20, 1983, as modified, which is incorporated by reference as if fully set forth herein. Paragraphs 26 and 27 on pages 12-13 of the Stipulation and Proposal for Settlement are hereby deleted.

5. Within 45 days of the date of this Order, Schnowske By-Products, Inc. and the Agency shall execute a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. If the parties choose not to accept the modified settlement agreement, the Stipulation and Proposal for Settlement is rejected in toto and the case is remanded to the parties for appropriate action. This Certification shall be submitted to the Board and to the Agency at 2200 Churchill Road, Springfield, Illinois 62706. The 45-day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We) _____, hereby accept and agree to be bound by all terms and conditions of the Order of the Illinois Pollution Control Board in PCB 82-84, dated August 18, 1983.

Schnowske By-Products, Inc.

Illinois Environmental
Protection Agency

Authorized Agent

Authorized Agent

Title

Title

Date

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Opinion and Order was adopted on the 18th day of August, 1983 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board