

ILLINOIS POLLUTION CONTROL BOARD
August 20, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-212
)
CATERPILLAR TRACTOR COMPANY,)
a California corporation,)
)
Respondent.)

MR. WILLIAM E. BLAKNEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. STEVEN C. HOFFMAN, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the August 8, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, from October, 1977 until March, 1978, the Respondent, the Caterpillar Tractor Company ("Caterpillar Tractor" or the "Company"), intermittently discharged effluents from the wastewater treatment facility ("facility") of its East Peoria tractor assembly plant which exceeded the limitations for oil and grease established by its NPDES Permit No. IL 0002291 in violation of Rule 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act ("Act").

Additionally, Count I alleged that, on January 9, 1978, January 23, 1978, February 13, 1978, and February 20, 1978, the Respondent discharged effluents which exceeded the cyanide limits in its NPDES Permit in violation of Rule 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count II alleged that, on February 16, 1978, Caterpillar Tractor discharged effluent from its facility which contained a cyanide concentration level of 0.5 mg/l in violation of Rules 401(c) and 408(a) of Chapter 3 and Section 12(a) of the Act.

Count III alleged that the Respondent failed to notify the Agency within 5 days after the Company became aware of its non-compliance with the effluent limitations in its NPDES Permit in violation of the terms of this NPDES Permit, Rule 901 of Chapter 3, and Sections 12(a) and 12(f) of the Act.

A hearing was held on June 16, 1981 at which the parties submitted an unsigned copy of the Stipulation and Proposal for Settlement ("Stipulation"). The parties filed an executed copy of this Stipulation on July 7, 1981 which was substantially identical* to the initially submitted unsigned copy of the Stipulation.

Caterpillar Tractor owns and operates a tractor assembly manufacturing plant which is located at 600 West Washington Street in East Peoria, Illinois. (Stip. 1). The Company, as part of its plant operations, utilizes a wastewater treatment facility which discharges effluents into the Illinois River pursuant to NPDES Permit No. IL 0002291. (See: Exhibit A).

The parties have stipulated that a grab sample from the Respondent's discharge at its East Peoria plant was collected by the Agency on February 16, 1978 and, when analyzed, this sample contained a cyanide concentration of 0.5 mg/l. (Stip. 6).

Subsequently, after numerous discussions between the Agency and the Company's technical personnel, Caterpillar Tractor adopted various measures to comply with the conditions in its NPDES Permit pertaining to allowable concentrations of oil, grease, and cyanide, and the reporting of excursions. (Stip. 6-8).

To control oil and grease discharges, the Company repaired broken oil lines, stopped leaking oil, eliminated the recirculation of decanted liquids and sludges back through the primary separators of its wastewater treatment plant, eliminated plugged filters, changed oil treatment overflow pipes, added prepared clay to the influent ("to provide better absorption and removal of oil in the primary separators"), and reworked its "Heat Treat quench pits" to eliminate the overflowing of oil into sewers. (Stip. 6-7).

In order to better control cyanide discharges, the Respondent made "hundreds of sample analyses...in all areas throughout the plant", but discovered no major source or use of cyanide except for

*However, additional information was provided by the attachment of three exhibits. Exhibit A is a copy of the Respondent's NPDES Permit. Group Exhibit B consists of the Company's monthly Discharge Monitoring Reports. Group Exhibit C includes reports of non-complying discharges.

"small quantities in duplicating machines which would not normally find their way" into the sewer system. (Stip. 7). However, "during the sampling program it was discovered that certain combinations of chlorinated solvents, amines and nitrates (all of which are used in varying amounts in the plant) will indicate small quantities of cyanide when analyzed by standard methods". (Stip. 7).

The Company also inaugurated a "formalized system of direct reporting to a responsible manager" in order to see that any excursions are promptly reported within 5 days after the analyses of samples are completed. (Stip. 7-8).

The proposed settlement agreement provides that the Company agrees to cease and desist from further violations and pay a stipulated penalty of \$1,000.00 . (Stip. 8-9).

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 Act. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

Accordingly, the Board finds that the Respondent, the Caterpillar Tractor Company, has violated Rules 401(c), 408(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act. The Company will be ordered to cease and desist from further violations and pay the stipulated penalty of \$1,000.00 .

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, the Caterpillar Tractor Company, has violated Rules 401(c), 408(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.
2. The Respondent shall cease and desist from further violations.
3. Within 35 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,000.00 which is to be sent to:

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

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on July 7, 1981, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 20th day of August, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board