

ILLINOIS POLLUTION CONTROL BOARD  
July 25, 1972

ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 ) #72-76  
 v. )  
 )  
 FANSTEEL, INC. )

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

Stipulation and settlement proposing partial resolution of this case entered into between the Environmental Protection Agency and Respondent were submitted to the Board. On June 27, 1972, oral argument was held to consider the approval by the Board of this proposal. At that time, the Board directed the Agency to submit data respecting the impact on the North Shore Sanitary District facilities resulting as a consequence of Respondent's effluent from its North Chicago plant being re-routed to the North Chicago sewage treatment plant of the North Shore Sanitary District, pursuant to the settlement proposed.

On July 19, 1972, the Board received a communication from the Agency stating that upon the Agency's review of Respondent's proposal "the impact of Fansteel's waste water on the North Chicago sewage treatment plant of the North Shore Sanitary District will be minimal, both during the period of construction proposed in the settlement agreement and after Fansteel's permanent treatment facilities are installed." The letter notes that during the period of construction applicable effluent standards for nickel and iron may be exceeded.

We find the Agency's response to our request inadequate and, accordingly, reject it, and direct the Agency to respond in detail regarding the consequence of Fansteel's effluent re-routing above referred to. Particularly, we desire facts relating to overload, if any, as a consequence of this re-routing, both hydraulic and organic. Considerations dictating the issuance of our sewer ban order in case entitled League of Women Voters, et al v. North Shore Sanitary District, ##70-7, 12, 13 and 14, necessitate receipt of this information before the proposed stipulation and settlement can be approved.

In Estella Lewis v. Environmental Protection Agency, #72-208, petitioner, having pleaded a clear case of hardship, sought relief from the sewer ban in order to allow construction of a single-family residence connecting to facilities tributary to the North Chicago treatment plant. The Agency recommended denial of this petition because of the present overloading and poor effluent produced by this plant.

We will be interested in receiving the Agency's rationale justifying distinction between these two cases.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 25<sup>th</sup> day of July, 1972, by a vote of 4 to 0.

Christan F. Moffett