

ILLINOIS POLLUTION CONTROL BOARD
April 24, 1975

CITIZENS FOR A BETTER ENVIRONMENT)
an Illinois Not-For-Profit-Corp.,)
Complainant,)
)
v.) PCB 74-105
)
)
LAUHOFF GRAIN COMPANY, INC.)
Respondent.)

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

This enforcement action was filed by Citizens for a Better Environment on March 21, 1974. The complaint charges Lauhoff Grain Company with violation of the Environmental Protection Act and numerous provisions of Pollution Control Board Regulations, Chapter 3 (Water Pollution Regulations) on several occasions. More specifically, the complaint alleges that on or about October 7, 1973, Lauhoff discharged into Stoney Creek contaminated matter including but not limited to hexane and oil, in violation of Section 12(a) of the Act. The complaint further alleges this discharge resulted in the following violations of the Water Pollution Regulations: October 8, 1973 - violation of Section 203(d) by causing no dissolved oxygen to be present in the stream; October 8, 9, 10, 1973 - violation of Section 203(a) through the existance of unnatural bottom deposits, visible oil, odor and unnatural algal growth; October 9, 1973 - violation of Section 404(a) by causing and/or allowing to be discharged effluent containing excessive levels of BOD₅ and suspended solids. The complaint realleges the same violations of Sections 404(a) and 203(a) for February 28, 1973. Finally, the complaint alleges that since June 17, 1971 through March 19, 1974, Lauhoff continuously violated Section 203(i) 1, 2, 3, and 4 of the Water Pollution Regulations through its discharge of non-contact cooling water of excessive temperature into Stoney Creek.

A public hearing was held on January 13, 1975, wherein the parties entered into a stipulation and settlement. This stipulation indicates that Lauhoff Grain Company, owner and operator of a grain processing facility, discharges non-contact cooling water to Stoney Creek, a tributary to the Salt Fork of the Vermillion River, in Danville, Illinois. The effluent

flow rate is 2.0 MGD. Stoney Creek, classified as a general use stream, has a 7-year 10-day low flow of zero cfs. The stipulation provides that the complaint deals specifically with two discharges. An accidental discharge on October 7, 1973, occurred in connection with Lauhoff's non-contact cooling water control system. This system operates in conjunction with the soybean processing plant. In the process of cleaning out condensers, a new employee discharged a cleansing substance, Oakite-62, to the outflow system which was tributary to the cooling water system. When this solution reached the solvent trap, which is the last stage in the cooling water system, its highly alkaline make-up caused the solid material on the surface of the solvent trap to be dispersed, thus causing high BOD waste to enter Stoney Creek through the cooling water discharge flow. This stipulation further provides that this accidental discharge caused unnatural bottom deposits, visible oil, odor and unnatural algal growth to appear in Stoney Creek. The Danville Sanitary District discovered the discharge on October 8, 1973. Once the origin of the discharge was discovered, Lauhoff expended over the three days following October 8, 1973 approximately \$8,000 and around-the-clock manpower to bring Stoney Creek back to its natural state. By October 10 or 11, 1973, the Creek was almost completely cleaned with no major damage being caused.

The discharge of February 28, 1973 was attributed to a broken underground drain tile line which normally discharges to a settling pond. It was determined that a truck belonging to a contractor doing construction at Lauhoff drove over the area where the tile line is located, causing the break in the line. The stipulation provides that upon learning of the discharge, Lauhoff immediately took steps to repair the drain tile and to clean up the Creek. Approximately \$5,300 was spent by Lauhoff in repairing and setting the drain so that the accident could not reoccur. Another \$6,600 was expended to clean the Creek.

With regard to the allegation of causing excessive temperature in Stoney Creek the stipulation provides that Lauhoff completed a cooling tower in June, 1971, reducing thermal content of its effluent by 20%. It is agreed that at the present time the effluent is in compliance with thermal regulations. Additional cooling towers being constructed are expected to reduce thermal content by an extra 8.7%. The Lauhoff program is to eventually attain 100% recycling of cooling water. Finally, the stipulation provides that in the past Lauhoff may have violated Rule 203(i) 1, 2, 3, and 4 in the discharge of its non-contact cooling water. However, no data have been collected by Lauhoff nor has there been a program of surveillance by the Agency which can confirm a violation. The parties further stipulated to a

penalty of \$600, to be directed to the Fish and Game "Department" of the State of Illinois.

We find that the language attributing unnatural bottom deposits, visible oil, odor and unnatural algal growth to the October 7, 1973 discharge is sufficient to establish a violation of Section 12(a) of the Act and Rule 203(a) of the Water Pollution Regulations. There is nothing in the stipulation, however, which can confirm the remaining allegations concerning BOD, suspended solids, dissolved oxygen and thermal standards. Since the stipulation constitutes the entire record in this case we must dismiss those charges. For the violations found with regard to the October 7, 1973 discharge, we find that the \$600 penalty provided for in the settlement is warranted. Although Lauhoff's initial carelessness was responsible for the episodes described in the stipulation, the company is to be praised for the speed and determination with which it rectified its mistakes.

We elect to treat the parties' stipulation that the penalty be directed to the Fish and Game "Department" as an admission that the \$600 represents the reasonable value of aquatic biota destroyed as a result of the violations. See EPA v. Alton Box Board Company, and LaClede Steel Company, PCB74-51, 13 PCB 361, 365 (1974).

This Opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

For violations of Section 12(a) of the Environmental Protection Act and Rule 203(a) of the Water Pollution Regulations found herein, Lauhoff Grain Company, Inc., is ordered to pay a penalty of \$600, within 35 days from the date of this Order, to the Fish and Game Fund of the State of Illinois. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 24th day of April, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board