

# Cargill appeals permit to dump into Fox

By KATHY HARGER

CARPENTERSVILLE — Cargill Inc., a chemical plant in the Cottage Avenue industrial park, petitioned the Illinois Pollution Control Board for a review of its Illinois Environmental Protection Agency (IEPA) discharge permit Thursday at the village hall.

Cargill is appealing the National Pollutant Discharge Elimination System (NPDES) permit, issued by the IEPA to regulate the firm's storm sewer system's discharge into the Fox River.

Testimony from two Cargill plant superintendents, an IEPA industrial director and Village Engineer Carl Caspers concluded without a decision of the board and without final arguments from either sides in the case of Cargill vs. the IEPA.

Before final arguments will be rendered, a transcript of the hearing will be made available to both attorneys. A decision from the board is expected in a minimum of two months, according to the presiding hearing officer Joseph O' Callaghan.

IEPA attorney Phil Van Ness

pointed out the burden of proof stands with the Cargill and the firm's runoff into the river has been found to contain contaminants and therefore requires the NPDES permit.

"There's a procedure that could ask for a modification or variance permit — and they could have gone after that."

CARGILL ATTORNEY Percy L. Angelo said the permit should have included Cargill's compliance program which is expected to modify the storm sewer system so no con-

taminates comingle with the storm water runoff. She also appealed the type of sampling and the levels of pollution — measured by chemical oxygen demand (COD), biological oxygen demand (BOD), ph and suspended solids — required by the NPDES permit.

According to Cargill plant superintendent Jerry Dorsett, the regulations in the current NPDES permit could be met when the firm completes its storm sewer modifications program.

"The agency was leaning to what

Cargill wanted (in its 1980 NPDES permit hearing), but it was overruled by the U.S. EPA," Angelo stated.

Thus, the permit was issued in February with additional regulations that require Cargill to monitor levels of discharges and report them to the IEPA when they exceed permitted levels.

Testimony included former Cargill plant superintendent Keith Long's description of the plant's storm sewer system modification program along with his recollection of past  
(Please turn to page A3)

1981

CARDINAL FREE  
Press 6-12-81  
X



# POLLUTION - CARGILL

1981

(Continued from page A1)

dealings with the IEPA and IPCB.

**LONG TESTIFIED** Cargill's existing storm sewer system was installed in 1976, without him knowing the reason why it was implemented. But in 1976, he said Cargill had applied for a discharge permit. The U.S. EPA subsequently told the company it need not file for an NPDES permit, he added.

In 1978, another application was submitted by the firm and a draft of the permit did not reach Cargill until July of 1979.

At that time, public concern with Cargill's operation began to grow. In June of 1980, a public hearing on the permit was held at a Carpentersville high school, according to testimony.

Also during this time, Cargill came before the pollution board which eventually ordered the firm to cease and desist releasing contaminants into the river.

**AS FAR AS** the recent problems the discharge permit causes Cargill, Long testified that it required the firm to do "a lot of testing" and such a short period of time to reapply for the permit.

Angelo contended there was a conflict between the U.S. EPA and the IEPA about the issuance of the permit, one that questioned the agencies' credibility. And Long testified: "John Raevouri (a field investigator) once said it was more of an emotional issue than an overflow problem".

Long and Dorsett's testimony also indicated that Cargill did not have any alternative plans for what kind of pollution levels the firm should be permitted.

On the other hand, Dorsett testified Cargill has received no cooperation from the IEPA and the agency has delayed its plan for a compliance program.

According to IEPA industrial unit director Larry Estep, he and a U.S. EPA official discussed the permit's initial issuance and both agencies have now decided to expedite the permission for Cargill's compliance pro-

gram.

"The permit would be very short term and I thought it imperative the permit be issued."

**ALTHOUGH THE** permit expires June 30, state and federal agencies allow the continuation of the permit if it is under appeal.

"There would be no reason to expect they could not meet it's regulations and that they could not meet the 30 grams per liter BOD," Estep added.

However, both plant superintendents testified that until the compliance program was completed the firm could not meet the levels required by the NPDES permit.

"I suggest you would do a series of grab samplings of varying rainfalls and pick one that would be representative," Estep said. "If they were grab samples of discharges and they were reported, I think the permit would accept that."

Carpentersville's village engineer, however, said the village wanted more stringent enforcement than required by the current permit.

"If the permit is issued, we would like to see all discharges be reported to the IEPA and a 24 hour composite sample being taken," Caspers said. "We'd also like to see the BOD level not exceed 30 milligrams per liter and their holding tanks be cleaned out every 60 days."

Additionally, Caspers said Cargill officials should be on hand to remove contaminants from the river if discharges occur.

Cargill's affect upon the village, he said, was of interest because of its responsibility of the Fox River's water quality and the recreational facility the river provides within its corporate limits.

Because the hearing was publicized to be a two-day proceeding, the hearing officer said citizens wishing to testify can send a written submission to the Clerk of the Illinois Pollution Control Board at 309 W. Washington, Suite 300, Chicago, 60606, within seven days.

The IEPA approved the final plans, drawn up by Baxter and Woodman of Crystal Lake. Caspers said if there are not any problems getting easements the earliest the village would be ready to go out for bid is this fall. Construction could then start next winter but if there are problems, Caspers expects a winter 1982-83 starting time.

There has also been a rumor that the Illinois Department of Transportation (IDOT) has appropriated \$2 1/2

property within its boundaries.

**PARENTS HAVE** voiced concern over the safety of children, saying they could fall into the basin. Fisher said any liability of the property rests with the owner, who is Anthony Signa of Chicago, according to 16th Judicial Circuit Court Judge John Krause.

Statements have also circulated that Williams Road will be widened, evidenced with Commonwealth Edison crews working on lines along

culverts under Williams Road that carry Delta Creek to the Fox River. One of the three 16-foot culverts carry water from the lake.

Caspers said one concrete culvert, 16 feet long and almost 8 feet high, will be installed. After installation and backfill, he said, Williams Road will be restored to its present width.

"We can't raise the road or install guardrails," he said, "To put in guard rails means a wider road." If a wider road was installed, he explained, the village would have to rebuild

the immediate resignation of the trustees.

Mike Gaydos said the district has spent thousands of dollars to protect the lake and now it appears the district isn't needed anymore. He said residents basically created the RCD to save the lake and about 40 percent of those people have moved out of the district.

Reportedly, the POA board is meeting this weekend to discuss various issues surrounding Lake Marian.



**25% to 35% off SUMMERY STRAW HANDBAGS**



## Notes

**Order of the Eastern Star** breakfast will be held

June 14 from 8 a.m. to 1 p.m. There will be an open meeting.

CARDINAL FREE PRESS