

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

FISCAL YEAR 2000

U.S. EPA REGION 5 - Office of Regional Counsel

INTRODUCTION

This is a comprehensive, descriptive report on all enforcement cases concluded in Fiscal Year 2000 in Region 5 in which Supplemental Environmental Projects (SEPs) were negotiated with Respondents and Defendants. SEPs are projects which a Respondent or Defendant agrees to undertake as a condition of settlement of an enforcement case that are above and beyond the requirements for mere compliance with federal environmental laws. SEPs represent a direct investment by a Respondent or Defendant to fund actions which benefit the environment, and can include such measures as pollution prevention, environmental restoration, and emergency planning and preparedness.

A few important notes concerning the content and format of this report must be made. First, in those cases involving both a SEP and a monetary penalty, it is not uncommon to find that the penalty has been reduced upon the successful negotiation of the SEP. For this reason, both the original and the final penalties are provided for those cases which included a penalty.

Second, this report does not identify those Respondents and Defendants which have not yet completed their SEPs, nor does it identify those who have. This report simply describes the SEP which the Respondent or Defendant agreed to undertake. The term "Respondent" refers to the party to whom an administrative order was issued or an administrative complaint was served. The term "Defendant" refers to the party in a civil judicial lawsuit against whom relief is sought.

Third, when the cost of the SEP is indicated, it is usually estimated (unless, of course, the Respondent or Defendant has already completed the SEP). In cases in which the cost is extremely rough, the word "estimated" follows the cost in parentheses. If the case also involved injunctive relief and/or a penalty, the costs of these, if available, are listed immediately following the cost of the SEP.

Fourth, the statute section listed in each case is the section of the statute whose requirements the SEP addresses, not the section which authorized Region 5 to issue a complaint.

Fifth, and finally, the following page contains keys to common acronyms used in this report. These acronyms include environmental statutes, by which the cases are divided, and geographic initiatives. They also include a set of miscellaneous acronyms which refer to various chemicals, reports, abbreviations, etc. For those acronyms used only once in this report, both the full name and the acronym are embedded within the report and are not included on the following page.

KEY TO ACRONYMS

Key to Environmental Statutes

		<u>Pages</u>
CAA	Clean Air Act	3 - 9
CERCLA	Comprehensive Envmtl. Response, Compensation, and Liability Act	10 - 14
CWA	Clean Water Act	13 - 17
EPCRA	Emergency Planning and Community Right-to-Know Act	18 - 18
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act	N/A
RCRA	Resource Conservation and Recovery Act	19 - 19
SDWA	Safe Drinking Water Act	N/A
TSCA	Toxic Substances Control Act	20 - 21
Multi-Media	Cases involving more than one statute	22 - 25

Key to Region 5 Geographic Initiatives

[CLE]	Cleveland Initiative
[GAT]	Mississippi Gateway Initiative
[GC]	Greater Chicago Initiative
[GLB]*	Great Lakes Basin
[NWI]	Northwest Indiana Initiative
[SEMI]	Southeast Michigan Initiative
[TRI]	Tristate Initiative
[UM]	Upper Mississippi Initiative

* Note: Cases which are identified as GLB cases are not part of any official Region 5 geographic initiative. Rather, these cases are tracked in the same manner as official initiative cases because, similar to the official initiative cases, GLB cases represent Region 5's effort to secure environmental cleanup and protection within a specific geographic region.

Key to Common Acronyms and Abbreviations

CMI	Corrective Measures Implementation	RFI	RCRA Facility Investigation
CMS	Corrective Measures Study	SO₂	Sulfur Dioxide
CO	Carbon Monoxide	STP	Sewage Treatment Plant
CO₂	Carbon Dioxide	USDW	Underground Source of Drinking Water
MEK	Methyl Ethyl Ketone	UST	Underground Storage Tank
NPDES	Nat'l Pollution Discharge Elim. System	VOC	Volatile Organic Compound
NO_x	Nitrogen Oxides (NO and NO ₂)	WWTP	Wastewater Treatment Plant
PCB	Polychlorinated Biphenyl	dba	"doing business as"
PM	Particulate Matter	fka	"formerly known as"
RA	Release Assessment (RCRA)		

Total Number of Settlements Involving SEPs	35
Total Number of SEPs	44
Total Value of SEPs	\$24,394,624
Average Cost of SEPs	\$554,423
Total Penalty Value in SEP Cases	\$4,998,516
Total Number of SEP Cases with Injunctive Relief (IR)	14
Total Number of Pollution Prevention SEPs	21
Total Number of SEPs >\$100,000	12
Total Number of SEPs in EJ Communities	4

CLEAN AIR ACT

Statute Summary for Fiscal Year 2000

Number of cases with SEPs:	12 (Totaling 15 SEPs)
Total cost value of SEPs:	\$21,256,615
Average cost value of SEPs:	\$
Value of penalties in SEP cases:	\$4,292,426
Number of SEP cases with injunctive relief:	5
Number of Pollution Prevention SEPs:	11

Docket Number: 05-1999-0523
Case Name: In re: Adams Plating
Attorney/Program Contacts: Krueger / Patel

Location: Lansing, MI (Ingham County) 48909
Geographic Initiative(s): GLB
Statute Violated: CAA, Section 112
Type of Order: Administrative Penalty Order
Date of Order: 07/26/00
Type of SEP: Pollution Prevention (Energy Efficiency / Conservation),
Pollution Reduction, Other
Cost of SEP: \$29,625
Proposed/Final Penalty: \$65,000 / \$6,250
Injunctive Relief: Auditing, Information Letter Response, Recordkeeping,
Other (\$ not estimated)
SEP Description: The Respondent has proposed a project which involves the
replacement of an existing blower system from the hoods of the
decorative electroplating tanks 1 and 2 to the scrubbers / mist
eliminator.
Quantitative Reduction(s): Chromium (99.50%) into the air
Environmental Benefit(s): Actual human health, worker, and ecosystem protection.

Docket Number: 05-1997-0581
Case Name: Aluminum Company of America (ALCOA), Inc.
Attorney/Program Contacts: Liszewski / Bush
Location: Newburgh, IN (Warwick County) 47630
Geographic Initiative(s): None
Statute Violated: CAA, Section 113
Type of Order: Consent Decree
Date of Order: 06/14/00
Type of SEP: Pollution Prevention (Process Reformulation / Redesign,
Process / Procedure Modification), Pollution Reduction
Cost of SEP: \$5,400,000
Proposed/Final Penalty: \$ not reported / \$2,400,000
Injunctive Relief: Other (\$5,480,500)
SEP Description: The order requires the Defendant to perform a chromium waste
reduction project.
Quantitative Reduction(s): \$10,000,000 lbs chromium waste (65% reduction)
Environmental Benefit(s): Actual human health and ecosystem protection.

Docket Number: 05-1999-0672
Case Name: In re: Countrymark Cooperative, Inc.

Attorney/Program Contacts: Laughlin / Graham
Location: Mt Vernon, IN (Posey County) 47620
Geographic Initiative(s): None
Statute Violated: CAA, Section 113
Type of Order: Administrative Penalty Order
Date of Order: 07/17/00
Type of SEP: Emergency Planning and Preparedness
Cost of SEP: \$30,000
Proposed/Final Penalty: \$73,500 / \$11,000
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to purchase a HazMat trailer for the Posey County Local Emergency Planning Committee and provide training in its use.
Quantitative Reduction(s): None
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Docket Number: 05-1999-0154
Case Name: In re: Depere Foundry, Inc. (2 SEPs)
Attorney/Program Contacts: Merchant / Assadi
Location: DePere, WI (Brown County) 54115
Geographic Initiative(s): GLB
Statute Violated: CAA, Section 112
Type of Order: Administrative Penalty Order
Date of Order: 12/01/99
Type of SEP: Pollution Prevention (Equipment / Technology Modifications),
Pollution Reduction
Cost of SEP: \$76,255
Proposed/Final Penalty: \$77,850 / \$6,500
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to modify equipment to reduce carbon monoxide and will resurface a driveway and a sand storage area with compacted gravel to reduce fugitive dust.
Quantitative Reduction(s): Carbon Monoxide - 497 tons/year into the air
Fugitive Dust - amount and percent not estimated
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Docket Number: 05-2000-0383

Case Name: In re: FCI, Inc. (2 SEPs)
Attorney/Program Contacts: Mucha / Vargas
Location: Chicago, IL (Cook County) 60647
Geographic Initiative(s): GC, GLB, UM
Statute Violated: CAA, Section 112
Type of Order: Administrative Penalty Order
Date of Order: 05/12/00
Type of SEP: Pollution Prevention (Product Reformulation / Redesign, Improved Housekeeping, Process / Procedure Modification), Pollution Reduction
Cost of SEP: \$54,790
Proposed/Final Penalty: \$45,100 / \$9,900
Injunctive Relief: Use Reduction, Recordkeeping, Reporting, Permit Application, Training (\$ not estimated)
SEP Description: The order requires the Respondent to (1) reduce volatile organic material (VOM) waste by using exempted VOM material as washoff solvent (FCI contemplated the possibility of using acetone for this purposes) and (2) reformulate existing non-compliance finishing materials so that the volatile organic material emission, as applied, be under area source category.
Quantitative Reduction(s): Not estimated.
Environmental Benefit(s): Not determined.

Docket Number: 05-1998-0371
Case Name: Ford Motor Company
Attorney/Program Contacts: King / Darrow
Location: Wayne, MI (Wayne County) 48184
Geographic Initiative(s): GLB, SEMI
Statute Violated: CAA, Section 113
Type of Order: Consent Decree
Date of Order: 03/16/00
Type of SEP: Pollution Prevention (Equipment / Technology Modification, Process / Procedure Modification)
Cost of SEP: \$12,821,318
Proposed/Final Penalty: \$1,100,000 / \$1,100,000
Injunctive Relief: Other (\$1,000,000)
SEP Description: The order requires the Defendant to install and operate a waterborne primer system for its guidecoat booth instead of the solvent-based primer system that the state of Michigan had

permitted in 1998. Waterborne primer is an emerging coating technology that has not previously been used in a high volume assembly operation.

Quantitative Reduction(s):

Volatile Organic Compounds - 144 tons / year (36% reduction)

Volatile Organic Compounds - 60 tons / year (28% reduction)

Environmental Benefit(s):

Actual human health, worker, and ecosystem protection.

Docket Number:

05-1998-0610

Case Name:

Georgie Boy Manufacturing, Inc.

Attorney/Program Contacts:

Deleon / Darrow

Location:

Edwardsburg, MI (Cass County) 49112

Geographic Initiative(s):

GLB

Statute Violated:

CAA, Section 113

Type of Order:

Consent Decree

Date of Order:

11/23/99

Type of SEP:

Pollution Prevention (Energy Efficiency / Conservation, Process / Procedure Modification), Environmental Restoration / Protection

Cost of SEP:

\$54,655

Proposed/Final Penalty:

\$656,000 / \$99,000

Injunctive Relief:

N/A

SEP Description:

The order requires the Defendant to change from “stick welding” in its manufacturing process, which is only 40% efficient to MIG “wire” welding, and expects that the process will become 95% efficient. Georgie Boy certifies this process will lessen the amount of toxic chemicals in the ambient air around the facility, and that the process complies with OSHA limits.

Quantitative Reduction(s):

Particulate Matter - (96% reduction)

Environmental Benefit(s):

Potential human health, worker, and ecosystem protection.

Docket Number:

05-1999-0674

Case Name:

In re: International Malting Co., LLC. (2 SEPs)

Attorney/Program Contacts:

Nash / Farley

Location:

Milwaukee, WI (Milwaukee County) 53214

Geographic Initiative(s):

GLB

Statute Violated:

CAA, Section 113

Type of Order: Administrative Penalty Order
Date of Order: 03/31/00
Type of SEP: Pollution Prevention (Process / Procedure Modification),
Pollution Reduction
Cost of SEP: \$12,431 and \$73,652
Proposed/Final Penalty: \$169,287 / \$25,500
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to (1) replace the two manual truck loadout spouts in the West Plant with automated dust control loadout spouts, and (2) modify and replace the loadout shed and its doors by: a) enclosing the west side of the shed with metal sheeting; b) extending the shed 20 feet to the south and enclose it on three sides; and c) installing a roll door on the north end of the shed. The effect of these modifications will be to enclose the loadout operation and create a "dead air" pocket.
Quantitative Reduction(s): Particulate Matter - (95% reduction)
Environmental Benefit(s): Potential human health and worker protection.

Docket Number: 05-1999-0327
Case Name: In re: K-T Corporation
Attorney/Program Contacts: Cha / Pham
Location: Shelbyville, IN (Shelby County) 46716
Geographic Initiative(s): None
Statute Violated: CAA, Section 112
Type of Order: Administrative Penalty Order
Date of Order: 03/30/00
Type of SEP: Pollution Prevention (Equipment / Technology Modifications, Product Reformulation / Redesign), Other
Cost of SEP: \$430,000
Proposed/Final Penalty: \$87,150 / \$21,787
Injunctive Relief: N/A
SEP Description: K-T Corporation will replace the Perchloroethylene (Perc) based solvent cleaner with an aqueous alkaline sprayash system using a non-hazardous cleaning compound. The aqueous system will use Duraclean 282 or equivalent cleaning compound, diluted to 10% concentration using deionized water. As a result, this SEP will eliminate the use of PERC, one of the listed hazardous air pollutants (HAP), and KT will

Quantitative Reduction(s):	no longer be subject to MACT. Volatile Organic Compounds and Hazardous Air Pollutants - (100% Reduction)
Environmental Benefit(s):	Actual human health, worker, and ecosystem protection.
Docket Number:	05-1999-0504
Case Name:	In re: Sparta Manufacturing Company
Attorney/Program Contacts:	Walts / Bielanski
Location:	Sparta, WI (Monroe County) 54656
Geographic Initiative(s):	None
Statute Violated:	CAA, Section 113
Type of Order:	Administrative Penalty Order
Date of Order:	09/27/00
Type of SEP:	Pollution Prevention (Equipment / Technology Modifications), Pollution Reduction
Cost of SEP:	\$39,889
Proposed/Final Penalty:	\$57,400 / \$18,489
Injunctive Relief:	N/A
SEP Description:	The order requires the Respondent to upgrade the controls on the Cupola afterburners and Cupola emissions quenchers to a process limiting controller (PLC) along with adding airflow sensors on the duct-work to two baghouses. These new controls will improve process feedback thereby allowing early detection of air emission problems and allowing corrections to be made sooner.
Quantitative Reduction(s):	Carbon Monoxide - 9,435 lbs/year into the air Particulate Matter - (amount and percent not estimated)
Environmental Benefit(s):	Actual human health, worker, and ecosystem protection.
Docket Number:	05-1998-0718
Case Name:	U.S Steel (USS Gary Works)
Attorney/Program Contacts:	Martin / Keegan
Location:	Gary, IN (Lake County) 46402
Geographic Initiative(s):	GLB, NWI, UM
Statute Violated:	CAA, Section 112
Type of Order:	Consent Decree
Date of Order:	09/13/00
Type of SEP:	Pollution Prevention (Equipment / Technology Modifications),

	Pollution Reduction
Cost of SEP:	\$2,200,000
Proposed/Final Penalty:	\$587,000 / \$587,000
Injunctive Relief:	Other (\$5,000,000)
SEP Description:	The order requires the Defendant to remove water-cooled transformers that discharge into the Calumet River.
Quantitative Reduction(s):	PCBs - 45,000 lbs
Environmental Benefit(s):	Actual ecosystem protection.
Docket Number:	05-1999-0671
Case Name:	In re: Wisconsin Department of Administration / UW - Lacrosse Power Plant
Attorney/Program Contacts:	McAuliffe / Cardile
Location:	Madison, WI (Dane County) 53707
Geographic Initiative(s):	UM
Statute Violated:	CAA, Section 110
Type of Order:	Administrative Penalty Order
Date of Order:	02/08/00
Type of SEP:	Pollution Prevention (Equipment / Technology Modifications)
Cost of SEP:	\$35,000
Proposed/Final Penalty:	\$28,000 / \$7,000
Injunctive Relief:	N/A
SEP Description:	The order requires the Respondent to purchase and install tight fitting fresh air dampers for the existing air handling units to more precisely regulate the flow of outside air into the physical education field house, and connect two additional air handling units as part of the campus energy management computer control system to allow respondent to more precisely control the operating times of the air handlers, thus reducing cold air leakage.
Quantitative Reduction(s):	Carbon Dioxide - 280 tons/year into the air Nitrogen Oxide - 0.5 tons/year into the air Particulate Matter - 1 ton/year into the air Sulphur Dioxide - 2 tons/year into the air
Environmental Benefit(s):	Potential human health, worker, and ecosystem protection.

CERCLA

Statute Summary for Fiscal Year 2000

Number of cases with SEPs:	4 (Totaling 6 SEPs)
Total cost value of SEPs:	\$122,034
Average cost value of SEPs:	\$20,339
Value of penalties in SEP cases:	\$17,781
Number of SEP cases with injunctive relief:	1
Number of Pollution Prevention SEPs:	2

Docket Number: 05-1999-0356
PRP's: Chicago Department of Water, City of
Attorney/Program Contacts: Murawski / Entzminger
Location: Chicago, IL (Cook County) 60611
Geographic Initiative(s): GC, GLB, UM
Statute Violated: CERCLA, Section 103A
Type of Order: Administrative Penalty Order
Date of Order: 03/31/00
Type of SEP: Emergency Planning and Preparedness
Cost of SEP: \$11,456
Proposed/Final Penalty: \$15,276 / \$3,820
Injunctive Relief: N/A
SEP Description: The City of Chicago, Water Department, Jardine Water Purification Plant, will assist the Chicago Local Planning Committee with the purchase of air monitoring equipment. The equipment is for chlorine and sulphur dioxide. Within 30 days of the effective date of the Consent Agreement and Final Order, the Respondent will establish a separate budget line item fo the LEPC to draw against for the purchase of the equipment.

Quantitative Reduction(s): None
Environmental Benefit(s): Potential human health and ecosystem protection.

Docket Number: 05-1999-0217
PRP's: City of Minneapolis, MN, Dept. of Public Works
Attorney/Program Contacts: Chabria / McNamara
Location: Minneapolis, MN (Anoka County) 55421
Geographic Initiative(s): UM
Statute Violated: CERCLA, Section 103A
Type of Order: Administrative Penalty Order
Date of Order: 05/09/00
Type of SEP: Emergency Planning and Preparedness
Cost of SEP: \$11,718
Proposed/Final Penalty: \$20,832 / \$3,906
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to purchase and donate emergency response equipment to the Minneapolis Fire Department.
Quantitative Reduction(s): None
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Docket Number: 05-1999-0208
PRP's: Foamex, L.P. (3 SEPs)
Attorney/Program Contacts: McAuliffe / McNamara
Location: Ft. Wayne, IN (Allen County) 46809
Geographic Initiative(s): GLB
Statute Violated: CERCLA, Section 103
Type of Order: Administrative Penalty Order
Date of Order: 11/18/99
Type of SEP: Pollution Prevention (Equipment / Technology Modifications)
Cost of SEP: \$14,800
Proposed/Final Penalty: \$27,500 / \$3,867
Injunctive Relief: Emissions / Discharge Change (\$ not estimated)
SEP Description: The order requires the Respondent to install a containment system around the mezzanine of the TDI system which will provide automatic drainage to a contained 900 gallon bucket overflow tank; 2) install a high level tank probe for 5 TDI and 3 MDI tanks which will shut down the transfer of product once the level of TDI or MDI in the tank reaches certain levels; (3) install remote level indicators in the unloading area of the raiidock of the Auburn, Indiana facility. The remote level indicators allow the employee at the railcar to continuously

Quantitative Reduction(s): monitor the level of the TDI inside the storage tank.
Environmental Benefit(s): Not estimated.
 Potential human health, worker, and ecosystem protection.

Docket Number: 05-2000-0487
PRP's: UOP, LLP.
Attorney/Program Contacts: King / Entzminger
Location: McCook, IL (Cook County) 60525
Geographic Initiative(s): GC, GLB, UM
Statute Violated: CERCLA, Section 103A
Type of Order: Administrative Penalty Order
Date of Order: 09/19/00
Type of SEP: Pollution Prevention (Equipment / Technology Modification),
 Pollution Reduction
Cost of SEP: \$84,060
Proposed/Final Penalty: \$24,751 / \$6,188
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to install secondary containment around their temporary storage containers. The secondary containment is above and beyond compliance with the SPCC regulation. The structure will be made of concrete and sealed with impervious material.
Quantitative Reduction(s): Not estimated.
Environmental Benefit(s): Not determined.

CLEAN WATER ACT

Statute Summary for Fiscal Year 2000

Number of cases with SEPs:	8 (Totaling 10 SEPs)
Total cost value of SEPs:	\$2,286,181
Average cost value of SEPs:	\$228,618
Value of penalties in SEP cases:	\$258,845
Number of SEP cases with injunctive relief:	4

Number of Pollution Prevention SEPs:	4
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Docket Number: 05-1998-0578
Case Name: In re: Anchor Glass Container Corp.
Attorney/Program Contacts: McAuliffe / Coleman
Location: Winchester, IN (Randolph County) 47394
Geographic Initiative(s): None
Statute Violated: CWA, Section 309
Type of Order: Administrative Penalty Order
Date of Order: 11/10/99
Type of SEP: Pollution Reduction
Cost of SEP: \$160,000
Proposed/Final Penalty: \$125,000 / \$45,000
Injunctive Relief: Emissions / Discharge Change (\$ not estimated)
SEP Description: The order requires the Respondent to implement a process modification to the production areas of its facility in Winchester, Indiana, which will eliminate from normal operations the Cullet Process water component of the facility's total wastewater discharge. Currently, oily Cullet Water represents approximately a third to a half of the wastewater, and is the most significant related discharge and process related source of oily wastewater, which is discharged to the Publically Owned Treatment Works.
Quantitative Reduction(s): Oil and Grease - 100L (80% reduction)
Environmental Benefit(s): Potential human health and ecosystem protection.

Docket Number: 05-1998-0208
Case Name: In re: Bluffton POTW, City of
Attorney/Program Contacts: Cha / McDonough
Location: Bluffton, IN (Wells County) 46714
Geographic Initiative(s): GLB
Statute Violated: CWA, Section 402
Type of Order: Administrative Penalty Order
Date of Order: 06/06/00
Type of SEP: Pollution Reduction, Environmental Restoration and Protection, Other
Cost of SEP: \$49,306
Proposed/Final Penalty: \$127,000 / \$30,000

Injunctive Relief: N/A
SEP Description: The order requires the Respondent to purchase two tracts of farmland adjacent to the Wabash River, and shall donate this land to the state of Indiana to be made part of Land Out of Farm Use, which will both increase habitat for wildlife and reduce herbicide and pesticide runoff to the Wabash River.

Quantitative Reduction(s): None
Environmental Benefit(s): Ecosystem restoration.

Docket Number: 05-1997-0357
Case Name: Enzyme Bio-Systems, Ltd. (2 SEPs)
Attorney/Program Contacts: Thurlow / Staniec
Location: Beloit, WI (Rock County) 53511
Geographic Initiative(s): None
Statute Violated: CWA, Section 307
Type of Order: Consent Decree
Date of Order: 06/29/00
Type of SEP: Pollution Prevention (Equipment / Technology Modification, Process / Procedure Modification)
Cost of SEP: \$850,000
Proposed/Final Penalty: \$125,000 / \$46,100
Injunctive Relief: N/A
SEP Description: The order requires the Defendant to (1) purchase a pretreatment plant previously abandoned by the city of Beloit, Michigan; and (2) to install and operate a reverse osmosis membrane treatment system capable of treating 25,000 gallons per day of high strength BOD; to haul BOD filtrate off site for application as a soil conditioner; and to petition the City of Beloit to reduce its allowable effluent limits set forth in its industrial discharge permit.

Quantitative Reduction(s): BOD - 6,500,000 Gallons (10%) into the water
Environmental Benefit(s): Actual human health, worker, and ecosystem protection.

Docket Number: 05-1999-0570
Case Name: In re: Lakehead Pipeline Company
Attorney/Program Contacts: Vasaturo / Nerbun
Location: Duluth, MN (St. Louis County) 55802

Geographic Initiative(s): GLB, UM
Statute Violated: CWA, Section 404
Type of Order: Administrative Penalty Order
Date of Order: 10/07/99
Type of SEP: Environmental Restoration and Protection
Cost of SEP: \$45,875
Proposed/Final Penalty: \$82,500 / \$13,365
Injunctive Relief: N/A
SEP Description: The order requires that the Respondent donate approximately 12 acres of wetland / upland along the lower Fox River to the Illinois DNR for preservation.

Quantitative Reduction(s): None
Environmental Benefit(s): Actual ecosystem protection.

Docket Number: 05-1998-0629
Case Name: Morton International, Inc. (2 SEPs)
Attorney/Program Contacts: Felitti / Eler
Location: Manistee, WI (Manistee County) 49660
Geographic Initiative(s): None
Statute Violated: CWA, Sections 301 and 402
Type of Order: Consent Decree
Date of Order: 07/20/00
Type of SEP: Pollution Prevention (Equipment / Technology Modifications), Pollution Reduction
Cost of SEP: \$502,000
Proposed/Final Penalty: \$331,616 / \$75,500
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to perform two SEPs. The first SEP is for the basic magnesium carbonate wash tank replacement. The purpose of this SEP is to revamp the basic magnesium carbonate (BMC) washing process at the subject facility by replacing BMC wash tank system with spray-wash bars located on the rotary vacuum filter (RVF). The estimated cost of the SEP is \$367,000, with an annual operating cost of about \$35,000. The second SEP is for the north rotary vacuum filter material handling. The purpose of this SEP is to redesign and improve filter cake discharge of the North RVF at the facility to reduce waste solids going to the plant floor, thereby reducing solids going into the process sewer. This is

estimated to reduce the loading to the lower chloride wastewater treatment plant of solids by about 180 lbs/day. The estimated cost of the SEP is \$135,000, with an annual operation and maintenance cost of about \$6,500.

Quantitative Reduction(s): Chlorides - 396,000 lbs/day (22% reduction)
Solids - 180 lbs (9% reduction)

Environmental Benefit(s): Actual human health, worker, and ecosystem protection.

Docket Number: 05-1999-0668
Case Name: In re: Toyota Industrial Equipment Manufacturing, Inc.
Attorney/Program Contacts: Guenther / McDonough
Location: Columbus, IN (Bartholomew County) 47201
Geographic Initiative(s): None
Statute Violated: CWA, Section 307D
Type of Order: Administrative Penalty Order
Date of Order: 07/27/00
Type of SEP: Pollution Prevention (Equipment / Technology Modifications, Process / Procedure Modifications)

Cost of SEP: \$350,000
Proposed/Final Penalty: \$65,000 / \$10,000
Injunctive Relief: Training, Other (\$ not estimated)
SEP Description: The order requires the Respondent to upgrade and improve their pretreatment system.

Quantitative Reduction(s): Cadmium - (75% reduction)
Chromium - (75% reduction)
Copper - (75% reduction)
Lead - (75% reduction)

Environmental Benefit(s): Actual human health, worker, and ecosystem protection.

Docket Number: 05-1998-0573
Case Name: In re: Warehouse Specialists, Inc.
Attorney/Program Contacts: Chow / Carlson
Location: Appleton, WI (Outagamie County) 54913
Geographic Initiative(s): GLB
Statute Violated: CWA, Sections 301, and 404
Type of Order: Administrative Penalty Order
Date of Order: 10/07/99
Type of SEP: Environmental Restoration and Protection

Cost of SEP: \$49,000
Proposed/Final Penalty: \$100,000 / \$18,880
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to donate wetlands owned by the Warehouse Specialists to the town of Menasha, WI; to acquire neighboring wetlands owned by the third parties and donate such wetlands to town; and install a culvert and construct a hydraulic pathway on the donated warehouse parcel. There is a possibility of wetlands enhancement as well.

Quantitative Reduction(s): None
Environmental Benefit(s): Actual ecosystem protection.

Docket Number: 05-1999-0666
Case Name: In re: West Chicago, City of
Attorney/Program Contacts: Morton / McGuire
Location: West Chicago, IL (DuPage County) 60186
Geographic Initiative(s): UM
Statute Violated: CWA, Section 307
Type of Order: Administrative Penalty Order
Date of Order: 05/30/00
Type of SEP: Pollution Prevention (Equipment / Technology Modifications),
Pollution Reduction
Cost of SEP: \$280,000
Proposed/Final Penalty: \$37,000 / \$20,000
Injunctive Relief: Other (\$42,000)
SEP Description: The order requires the City of West Chicago to add equipment to control odors at the head of the plant.
Quantitative Reduction(s): Not estimated.
Environmental Benefit(s): Not determined.

EPCRA

Statute Summary for Fiscal Year 2000

Number of cases with SEPs:	1
Total cost value of SEPs:	\$37,924

Average cost value of SEPs:	\$37,924
Value of penalties in SEP cases:	\$20,000
Number of SEP cases with injunctive relief:	1
Number of Pollution Prevention SEPs:	1

Docket Number: 05-1999-0560
Case Name: In re: Dannon Company, Inc.
Attorney/Program Contacts: Fulghum / Shaw
Location: Minster, OH (Auglaize County) 45865
Geographic Initiative(s): GLB
Statute Violated: EPCRA, Section 313
Type of Order: Administrative Penalty Order
Date of Order: 07/01/00
Type of SEP: Pollution Prevention (Process / Procedure Modification, In-process Recycling), Pollution Reduction
Cost of SEP: \$37,924
Proposed/Final Penalty: \$76,963 / \$20,000
Injunctive Relief: Recordkeeping, Reporting (\$ not estimated)
SEP Description: The order requires the Respondent to install equipment to reduce the amount of milk solids which are dispersed of from their different processes. This is achieved by rerouting their initial rinse water system after use to another system to reclaim the solids.
Quantitative Reduction(s): Nitrates - (5% reduction)
Environmental Benefit(s): Potential human health and ecosystem protection.

RCRA

Statute Summary for Fiscal Year 2000

Number of cases with SEPs:	1
Total cost value of SEPs:	\$7,996
Average cost value of SEPs:	\$7,996

Value of penalties in SEP cases:	\$104,000
Number of SEP cases with injunctive relief:	1
Number of Pollution Prevention SEPs:	1

Docket Number: 05-1999-0197
Case Name: In re: Alberto Culver USA, Inc.
Attorney/Program Contacts: Morton / Kuefler
Location: Melrose Park, IL (Cook County) 60160
Geographic Initiative(s): GC, GLB, UM
Statute Violated: RCRA, Section 3005
Type of Order: Administrative Penalty Order
Date of Order: 03/23/00
Type of SEP: Pollution Reduction
Cost of SEP: \$7,996
Proposed/Final Penalty: \$164,544 / \$104,000
Injunctive Relief: Use Reduction, Testing, Recordkeeping, Labeling / Manifesting, Training, Other (\$15,000)
SEP Description: The Respondent is responsible for changing laboratory procedures and equipment creating a 75% reduction in the generation of chloroform hazardous waste.
Quantitative Reduction(s): Chloroform - 65 Gallons (75% Reduction)
Environmental Benefit(s): Actual human health, worker, and ecosystem protection.

TSCA

Statute Summary for Fiscal Year 2000

Number of cases with SEPs:	4
Total cost value of SEPs:	\$302,298
Average cost value of SEPs:	\$75,575
Value of penalties in SEP cases:	\$177,638
Number of SEP cases with injunctive relief:	2

Number of Pollution Prevention SEPs:	1
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Docket Number: 05-1999-0288
Case Name: In re: Countrymark Cooperative, Inc.
Attorney/Program Contacts: Loughlin / Bonace
Location: Mount Vernon, IN (Posey County) 47620
Geographic Initiative(s): None
Statute Violated: TSCA, Section 8
Type of Order: Administrative Penalty Order
Date of Order: 10/22/99
Type of SEP: Pollution Reduction
Cost of SEP: \$98,000
Proposed/Final Penalty: \$170,000 / \$85,688
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to install covers on receiving pit and oil water separators.
Quantitative Reduction(s): Benzene -111 tons/year into the air
Toluene - 321 tons/year into the air
Xylene - 31 tons/year into the air
Volatile Organic Compounds - 277 tons/year into the air
Environmental Benefit(s): Actual human health protection.
Environmental restoration.
Increased government knowledge.
Increased public awareness.

Docket Number: 05-1999-0518
Case Name: In re: Industrial Trading Company
Attorney/Program Contacts: Barwick / Silvasi
Location: Pedro, OH (Lawrence County) 45659
Geographic Initiative(s): TRI
Statute Violated: TSCA, Sections 6 and 15
Type of Order: Administrative Penalty Order
Date of Order: 10/25/99
Type of SEP: Pollution Reduction
Cost of SEP: \$11,373
Proposed/Final Penalty: \$16,000 / \$2,000
Injunctive Relief: Remediation (\$ not estimated)
SEP Description: The order requires the Respondent to remove and dispose or

Quantitative Reduction(s): PCB capacitors.
Environmental Benefit(s): PCBs - 245 gallons
Actual human health, worker, and ecosystem protection.

Docket Number: 05-1998-0376
Case Name: In re: PCI Industries, Inc.
Attorney/Program Contacts: Nagle /Cooper
Location: East Chicago, IN (Lake County) 46312
Geographic Initiative(s): GLB, NWI, UM
Statute Violated: TSCA, Section 6
Type of Order: Administrative Penalty Order
Date of Order: 10/05/99
Type of SEP: Pollution Prevention (Improved Houskeeping, In-process Recycling)

Cost of SEP: \$162,925
Proposed/Final Penalty: \$124,000 / \$50,000
Injunctive Relief: N/A

SEP Description: The Respondent is responsible for a PCB testing program for small containers processed to fuel blending.

Quantitative Reduction(s): PCBs (amount and percent not estimated)
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Docket Number: 05-1999-0716
Case Name: In re: Rouge Steel Company
Attorney/Program Contacts: Vasaturo / Silvasi
Location: Deaborn, MI (Wayne County) 48121
Geographic Initiative(s): GLB, SEMI
Statute Violated: TSCA, Section 15
Type of Order: Administrative Penalty Order
Date of Order: 03/17/00
Type of SEP: Pollution Reduction, Other
Cost of SEP: \$30,000
Proposed/Final Penalty: \$59,400 / \$39,950
Injunctive Relief: Removal, Other (\$30,000)
SEP Description: The Respondent is responsible for the removal and disposal of a PCB transformer.

Quantitative Reduction(s): PCBs (amount and percent not estimated)
Environmental Benefit(s): Actual human health protection.

MULTI-MEDIA

Statute Summary for Fiscal Year 2000

Number of cases with SEPs:	5 (Totaling 8 SEPs)
Total cost value of SEPs:	\$381,576
Average cost value of SEPs:	\$
Value of penalties in SEP cases:	\$127,826
Number of SEP cases with injunctive relief:	0
Number of Pollution Prevention SEPs:	2

Docket Number: 05-1999-0511
Case Name: In re: Dow Chemical Company
Attorney/Program Contacts: Pallesen / Entzminger
Location: Midland, MI (Midland County) 48667
Geographic Initiative(s): None
Statute Violated: CERCLA, Section 109; EPCRA, Section 325
Type of Order: Administrative Penalty Order
Date of Order: 12/22/99
Type of SEP: Emergency Planning and Preparedness
Cost of SEP: \$48,446
Proposed/Final Penalty: \$661,237 / \$82,834
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to purchase and donate to the City of Midland Fire Department and the Midland Township (Photoionization Detectors, Calibration Kits, Detector Tube Pumps, and Boxes of Detector Tubes), and train the fire department on how to use this equipment. Dow Chemical Company will also purchase and donate to the local emergency planning committee, a mobile power generator with emergency lighting, and two lap top computers with printers.

Quantitative Reduction(s): None
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Docket Number: 05-1999-0261
Case Name: In re: GATX Terminals Corp.
Attorney/Program Contacts: Schneiders / Entzminger
Location: Bedford Park, IL (Cook County) 60501
Geographic Initiative(s): GC, GLB, UM
Statute Violated: CERCLA, Section 103; EPCRA, Section 304
Type of Order: Administrative Penalty Order
Date of Order: 11/09/99
Type of SEP: Pollution Reduction
Cost of SEP: \$147,002
Proposed/Final Penalty: \$78,258 / \$10,873
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to develop a computer program in lotus notes for internal reporting and investigation into incidents. This program will have the emergency response plan and helpful reminders of regulatory compliance information.

Quantitative Reduction(s): None
Environmental Benefit(s): Potential human health and worker protection.

Docket Number: 05-2000-0335
Case Name: In re: Indiana American Water Company
Attorney/Program Contacts: Perdomo / McNamara
Location: Shelbyville, IN (Shelby County) 46176
Geographic Initiative(s): None
Statute Violated: CERCLA, Section 103; EPCRA, Section 304
Type of Order: Administrative Penalty Order
Date of Order: Not Reported
Type of SEP: Pollution Reduction
Cost of SEP: \$40,750
Proposed/Final Penalty: \$62,050 / \$7,654
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to install a chlorine scrubber at the Somerset Water Treatment Plant. In the event that chlorine is released from a chlorine cylinder or the associated

pipng, chlorine sensors will activate the chlorine scrubber. The chlorine scrubber system would withdraw the air from the chlorine room and neutralize any chlorine vapors.

Quantitative Reduction(s): Not Reported
Environmental Benefit(s): Potential human health, worker and ecosystem protection.

Docket Number: 05-1999-0356
PRP's: In re: Pepsi Cola General Bottlers, Inc. (2 SEPs)
Attorney/Program Contacts: Dalianis / McNamara
Location: Cincinnati, OH (Hamilton County) 45237
Geographic Initiative(s): None
Statute Violated: CERCLA, Section 103A; EPCRA, Section 304
Type of Order: Administrative Penalty Order
Date of Order: 03/13/00
Type of SEP: Pollution Prevention (Raw Material Substitution), Pollution Reduction
Cost of SEP: \$44,232
Proposed/Final Penalty: \$83,325 / \$12,465
Injunctive Relief: N/A
SEP Description: The order requires the Respondent to install a concrete secondary containment area around the ferric sulfate tank to prevent future releases of ferric sulfate into the environment. Pepsi must also upgrade the control system and install and operate it for its useful life (or three years whichever is longer) an alarm system on the ammonia refrigeration system used for cooling of raw material and product.

Quantitative Reduction(s): Ferric Sulfate (amount and percent not estimated)
Environmental Benefit(s): Actual human health and ecosystem protection.

Docket Number: 05-1999-0209
Case Name: In re: Primera Foods Corp. (3 SEPs)
Attorney/Program Contacts: Loughlin / McNamara
Location: Perham, MN (Otter Tail County) 56573
Geographic Initiative(s): UM
Statute Violated: CERCLA, Section 103; EPCRA, Section 304
Type of Order: Administrative Penalty Order
Date of Order: 12/20/99

Type of SEP:	Pollution Prevention (Equipment / Technology Modifications)
Cost of SEP:	\$101,126
Proposed/Final Penalty:	\$86,589 / \$14,000
Injunctive Relief:	Industrial Process Change, Emissions Discharge Change (\$ not estimated)
SEP Description:	The order requires the Respondent to 1) re-wire all of their started motors for its ammonia compressors at its Perham facility to provide an automatic re-start in the event of a power outage, 2) install an automatic shutdown system which will take effect when the pressure relief valves open and to train their employees regarding the effective use of this system, and 3) purchase and install sniffers at its facilities in Perham, MN; Cameron, WI; Stockton, IL; and either Barron, WI or Altura, MN.
Quantitative Reduction(s):	None
Environmental Benefit(s):	Potential human health and worker protection.