

FOIL
Releasable
Non-Releasable

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violations of Article 17 of the
Environmental Conservation Law by

JONES CHEMICALS, INC.
FRIENDSHIP SUPPLY DIVISION
Castle Garden Road
Friendship, New York 14739

(Allegany County)

ORDER
ON
CONSENT

FILE
NO. 81-48

9-0430

Respondent

WHEREAS:

1. Pursuant to Part 821.5 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (hereinafter referred to only by Part number), and Conservation Law Section 17-0301 of Article 17, water quality and purity standards were adopted and the waters of the state classified.
2. Part 821.6, Item 421, effective as of 1966 establishes such classification of the tributaries of Van Campen Creek as "D."
3. Respondent owns, operates and/or maintains control of facilities in the State of New York subject to ECL Article 17; to wit its chemical repackaging facility located in the Town of Friendship, New York, Allegany County.
4. Respondent has allegedly violated Environmental Conservation Law Sections 17-0501, 17-0503, 17-0505, and 17-0701 in that Respondent allowed wastes containing chlorine to discharge into Van Campen Creek without a valid SPDES Permit and further such discharges were in contravention of stream standards and were in fact in quantities injurious to fish life. Said discharge occurred on or about April 10, 1981.
5. Respondent has affirmatively waived its rights to a hearing on these matters as provided by law and has consented to the issuing and entering of this Order pursuant to the provisions of ECL Article 17 and has agreed to be bound by the provisions, terms and conditions contained herein.

NOW, having considered this matter and being duly advised, it is ORDERED:

I. THAT immediately upon service of a conformed copy of this Order upon Respondent, Respondent shall be bound as hereinafter provided.

II. THAT the Respondent shall be liable for the penal sum of Ten Thousand Dollars (\$10,000.00) of which Five Hundred Dollars (\$500.00) shall be paid to the Department of Environmental Conservation by certified check or money order and sent to the Department's Region 9 office at 600 Delaware Avenue, Buffalo, New York 14202. Further, the remaining amount of Nine Thousand Five Hundred Dollars (\$9,500.00) is to be suspended on condition that Respondent satisfactorily completes the actions as specified in Schedule A.

III. THAT Respondent shall immediately be bound by the terms and conditions as set forth in "Schedule A" attached to this Order.

IV. THAT all further non-permitted discharges by Respondent in contravention of the aforementioned standards shall constitute continuing violations of the ECL, and an action for further penalties for future violations will be instituted by the Department if the Respondent fails to adhere to and fully comply with its permit conditions and Schedule A.

V. THAT should there be any unusual or extraordinary occurrences or deviation from normal operating procedures which does or may contribute to a potentially hazardous condition, or which violates any condition or provision of any permit heretofore or hereafter issued to the Respondent by the Department or which violates any of the terms and conditions of "Schedule A," the Respondent shall immediately notify the Department at 600 Delaware Avenue, Buffalo, New York 14202, (716) 842-5041, and within ten (10) days after such occurrence submit to the Department a report detailing the circumstances and causes of the occurrence, remedial actions and steps taken to prevent recurrence.

VI. THAT for the purpose of insuring compliance with this Order, duly authorized representatives of the State of New York shall be permitted access to inspect the facilities being constructed, owned, operated, maintained and/or controlled by the Respondent for the purpose of inspecting the discharge therefrom of any liquid, refuse, or other waste to take samples of any discharge, liquid, refuse, or other waste and for the purpose of determining the status of compliance with the terms of this Order and "Schedule A" and with State law and regulation.

VII. THAT all reports and submissions herein required shall be made to the Principal Water Quality Engineer of the Region 9 office of the Department at 600 Delaware Avenue, Buffalo, New York 14202.

VIII. THAT any change in this Order or "Schedule A" shall not be made or become effective except as specifically set forth by written order of the Commissioner, such written order being made either upon written application of the Respondent or upon the Commissioner's own findings after an opportunity to be heard has been given to Respondent or pursuant to the summary abatement provisions of the Environmental Conservation Law.

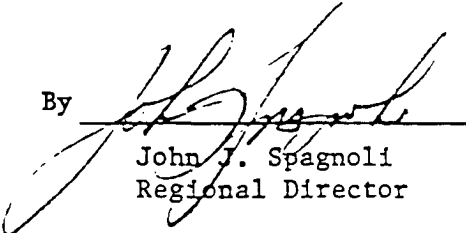
IX. THAT the provisions, terms and conditions of this Order and "Schedule A" shall be deemed to bind Respondent, its officers, directors, agents, servants, employees, successors and assigns and all persons, firms and corporations acting under or for it, including but not limited to those who may carry on any or all of the operations now being conducted by Respondent.

X. THAT nothing contained herein shall relieve the Respondent from any rights, duties or obligations owed to the United States Environmental Protection Agency.

DATED: Buffalo, New York
July 27 , 1981

ROBERT F. FLACKE, Commissioner
New York State Department of
Environmental Conservation

By



John J. Spagnoli
Regional Director

TO: Mr. Vito Pricola, Executive Vice President
Jones Chemicals, Inc.
100 Sunny Sol Blvd.
Caledonia, NY 14423

Mr. Jerry Sawyer, Mgr.
Friendship Supply Division
Jones Chemicals, Inc.
Castle Garden Road
Friendship, NY 14739

S C H E D U L E A

Respondent shall on or before the following dates:

1. Eliminate all direct discharges of wastewaters to waters of the State by construction of necessary pre-treatment facilities and connection to the Friendship (T) municipal sanitary sewer system.

September 15, 1981.

2. Operation of the pre-treatment system and the quality and quantity of wastewaters to be discharged to the municipal sanitary sewer system shall be in accordance with limitations, regulations, and requirements as established by the Town of Friendship. At no time shall the discharge have an adverse affect upon performance of the Town of Friendship Sewage Treatment Plant.

Consent by Respondent

Respondent hereby consents to the issuing and entering of the foregoing Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained therein.

Respondent JONES CHEMICALS, INC.
FRIENDSHIP SUPPLY DIVISION

By *Vito Pricola*
Vito Pricola
Title Exec. V. P. & Treas.

(Seal)

Date July 18, 1981

Corporate

State of Illinois)
County of DeKalb)ss.:

On this 18th day of July, 1981, before me personally came Vito Pricola to me known, who being by me duly sworn did depose and say that he resides at 1000 W. Lake Street, Chicago, Ill. that he is the Executive Vice President of Jones Chemicals, Inc. the corporation described in and which executed the foregoing instrument; and that he signed his name as authorized by said corporation.

Richard K. Fischer

NOTARY PUBLIC
RICHARD K. FISCHER
Notary Public for the State of Illinois
GENSHE COUNTY N. Y.
Commission Expires March 31, 1982

Individual

State of _____)
County of _____)ss.:

On this _____ day of _____, 19____, before me came _____, to me known and known to me to be the individual described in and who executed the foregoing consent and he duly acknowledged to me that he executed the same.

NOTARY PUBLIC