

ILLINOIS POLLUTION CONTROL BOARD

October 24, 1974

ENVIRONMENTAL PROTECTION AGENCY)
COMPLAINANT)
)
)
v.) PCB 74-259
)
)
ZENITH RADIO CORPORATION, a)
Delaware Corporation)
RESPONDENT)
)

MR. JAMES K. JENKS II, ASSISTANT ATTORNEY GENERAL, on behalf of the ENVIRONMENTAL PROTECTION AGENCY

MR. JOHN VANZEYL, attorney, on behalf of Respondent, ZENITH RADIO CORPORATION

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This case comes to the Board on the Amended Complaint of the Environmental Protection Agency, filed August 15, 1974, charging Zenith Radio Corporation with a violation of Rule 903 (a), Chapter 3, Rules and Regulations of the Illinois Pollution Control Board. The Complaint goes on to state that in the operation of Respondent's manufacturing facility located at 2407 North Avenue, Melrose Park, Illinois, Respondent operated a treatment works, consisting of 31 5500 gallon tanks for pretreatment and pH adjustment of industrial wastes.

It is charged that these facilities have operated since January 1, 1973, and continuing every day until the filing of the Complaint, without first obtaining an operating permit as required by Rule 903 (a) of the Water Regulations.

Hearing was held on September 23, 1974, in Chicago, Illinois, pursuant to Rule 334 of the Board's Procedural Rules, at which time a stipulation of facts and settlement agreement were submitted to the Board. No members of the public were present.

The facts as stipulated to are as follows:

1. Respondent admits ownership of the facility as alleged in the Complaint;
2. Respondent has a total of 31 5500 gallon tanks used for pretreatment and pH adjustment of industrial wastes in three different areas operating throughout the plant. Four of the tanks are arranged in series outside of the building on the east side. These tanks are used to treat wastes from the regeneration of the deionizers before the

waste is discharged into the sanitary sewers. The pH is adjusted automatically with acid and caustic supplied from nearby tanks. Eighteen 5500-gallon tanks are located in the basement of the building under the picture tube process floor. All wastes treated there are acid with the resulting effluent discharged to the sewers. Nine 5500-gallon tanks are located in the basement of the facility beneath the wash and etch machines. Waste there is both acid and caustic, and is treated and discharged to the sanitary sewers.

3. Respondent admits violation of Section 12 (b) of the Environmental Protection Act and Rule 903 (a) of Chapter 3, of the Board's Rules and Regulations.

The parties state that the proposed settlement in this matter will be in the public interest and will save prolonged litigation expenses and will in fact bring about compliance with the rules for which Respondent was charged.

Respondent has agreed to pay a penalty of \$1500 for the violations of Section 12 (b) of the Environmental Protection Act and 903 (a) of the Board's Rules. Respondent also agrees to immediately proceed to obtain operating permits from the Environmental Protection Agency for the facilities in question.

The Board finds the stipulation of facts sufficient to find violations of the rules charged and also finds that the settlement agreement is adequate and acceptable.

It should be noted that under the NPDES system, most pretreatment plants will not need permits under Chapter 3 of the Regulation. At the present time, the Board does have the authority to regulate the flow into sewers. Armstrong Chem. Co., Inc., v. Pollution Control Board, 18 Ill. App. 3rd 753 (1974); Staley v. Environmental Protection Agency, 8 Ill. App. 3rd 1018, 290 NE 2d 892.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that Respondent, Zenith Radio Corporation, is found in violation of Section 12 (b) of the Environmental Protection Act and Rule 903 (a) of Chapter 3 of the Rules and Regulations of the Pollution Control Board.

1. Respondent shall pay a fine of \$1500 to the State of Illinois within 35 days from the date of this Order. 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.

2. Respondent shall cease and desist violations of the Sections of which it is found to be in violation within 90 days of the entry of this Order.
3. Respondent shall submit permit applications to the Environmental Protection Agency within 21 days of the entry of this Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 24th day of October, 1974, by a vote of 5 to 0.

Christan L. Moffett