

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-251
)
SPARTON MANUFACTURING COMPANY,)
an Illinois Corporation,)
)
Respondent.)

CHRISTINE ZEMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

VARNUM, RIDDERING, WIERENGO AND CHRISTENSON, ATTORNEYS AT LAW (MR. JOHN W. PESTLE, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the November 26, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that discharges of effluents from the Respondent's manufacturing plant (the "facility") exceeded the daily average and daily maximum concentration limits for suspended solids in its NPDES Permit in violation of Rule 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Section 12(f) of the Illinois Environmental Protection Act ("Act"). Count II alleged that discharges of effluent from the facility have exceeded the daily maximum concentration limits for barium and exceeded five times the numerical standard prescribed for barium in violation of Rules 401(c), 408(a), and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act. Count III alleged that, during specified months between November 1977 and March 1979, discharges of effluent from the facility exceeded the daily maximum concentration limits for lead and exceeded five times the numerical standard prescribed for lead in violation of Rules 401(c), 408(a), and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act. Count IV alleged that the Respondent's discharges exceeded five times the numerical standard prescribed for zinc in violation of Rules 401 and 408(a) of Chapter 3 and Section 12(a) of the Act. A hearing was held on May 9, 1980. The parties filed a Stipulation and Proposal for Settlement on May 14, 1980.

The Respondent, the Sparton Manufacturing Company, operates a manufacturing plant located one-fourth mile west of the City of Flora in Clay County, Illinois which employs about 160 people and manufactures automobile horns, buzzers, and similar acoustical devices for cars. (Stip. 2). The Company's sole business is supplying automobile horns and acoustical equipment to the automobile market and principally to Chrysler Corporation. (Stip. 15).

The Respondent discharges effluent from its facilities to Seminary Creek, a tributary to the Elm River, from a point identified as outfall serial number 001 pursuant to NPDES Permit #IL 0004588. (Stip. 2). On February 16, 1977, Agency inspectors observed that the Respondent's single cell lagoon was almost completely full of sludge and the receiving stream contained about 8 to 10 inches of bottom deposits of whitish-gray sludge. (Stip. 10). The Agency recommended that the Respondent upgrade its system, dredge the lagoon, and dredge and clean the receiving stream so that bottom deposits would not be obvious at the lagoon discharge point.

After twice denying the Company's permit application pertaining to the upgrading of its treatment process, on September 23, 1977, the Agency granted the Company a 2 year permit to construct and/or operate water pollution control facilities (including pH adjustment equipment, polymer addition facilities, and mechanical clarification to provide additional treatment of the plating waste). (Stip. 10-11).

However, the Company encountered difficulties in obtaining and installing its pollution control equipment resulting from problems with suppliers, a shipping accident, insurance company delays in evaluating the extent of damage, the necessity for rebuilding the clarifier, and delays in pump delivery. (Stip. 11-12). Additionally, difficulties with a prior consultant and attempts to locate and retain other consulting services led to further problems. (Stip. 14). Non-compliance also resulted from minerals such as barium which were in the well water that the Respondent used for process water. (Stip. 6; 15).

The Company has expended over \$45,000.00 to rectify the situation which has been especially burdensome in light of the current difficulties that its tie-in with the ailing Chrysler Corporation has entailed. Chrysler Corporation is currently in serious financial trouble and the Federal legislation authorizing a Federal loan guarantee for Chrysler requires substantial credit extensions by Chrysler suppliers. The extension of credit to Chrysler Corporation has had a severe and adverse impact upon small automotive suppliers such as Sparton Manufacturing Company. In fact, the entire automotive industry is now experiencing severe difficulties. In the year ending April, 1980, U. S. automobile sales dropped 27% and Chrysler sales have dropped more than 47%. (Stip. 15).

The Agency has received only one complaint from a downstream landowner pertaining to pollution in Seminary Creek. The complaining individual, Mr. Joseph C. Burt, is a farmer and long-time community resident who owns several acres of property approximately three-fourths of a mile from the Sparton Manufacturing Company. He has had some problems with livestock getting sick and dying although he "still don't know for sure what's causing it." (sic) (R. 15; R. 22). He had the creek fenced to keep his livestock away from it. (R. 15). Mr. Burt testified that he believed the Company was at least partially responsible for his difficulties with his livestock. (R. 11-25).

At the hearing, Mr. Burt stated that he has about \$100,000.00 worth of livestock which he is worried about in case of a storm or flood which would wash out his fences. (R. 18). On examination by the Respondent's attorney, Mr. Burt admitted that he is also downstream from the City of Flora's sewage treatment plant, a hog farm, and a chemical company which he believes also may have adversely affected the water quality. (R. 24-25).

The proposed settlement agreement provides that the Respondent admits the allegations of the Complaint and agrees to: (1) cease and desist from further violations; (2) connect its discharge up to the City of Flora's wastewater collection system and cease discharging altogether to Seminary Creek (if it can obtain the City's approval); (3) construct a new lagoon system and cease discharging to, and from, its present lagoon (if the City and the Company cannot reach an agreement pertaining to discharging into Flora's wastewater system); (4) promptly apply for, and obtain, all the requisite permits for modification or construction of pollution control equipment and for sludge transport and disposal; (5) dredge Seminary Creek around the point of its discharge and provide for adequate sludge disposal; (6) perform all the necessary sampling and analysis of discharges; (7) file the appropriate quarterly compliance reports with the Agency, and (8) pay a stipulated penalty of \$3,000.00 .

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act. The Board finds that the Respondent, the Sparton Manufacturing Company, has violated Rules 401(c), 408(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act and orders the Respondent to cease and desist from further violations. The stipulated penalty of \$3,000.00 is hereby assessed against the Respondent.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, the Sparton Manufacturing Company, has violated Rules 401(c), 408(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.

3. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$3,000.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed May 14, 1980, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 10th day of July, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board