

ILLINOIS POLLUTION CONTROL BOARD

May 5, 1983

CONTINENTAL GRAIN COMPANY,)
)
 Petitioner,)
)
 v.) PCB 83-64
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by W.J. Nega):

This provisional variance request comes before the Board upon a May 5, 1983 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that Continental Grain Company (Continental) be given a 45-day extension of the provisional variance previously granted by the Board on April 7, 1983 in PCB 83-45 to assure sufficient time for draining its flooded irrigation field and completing repair work on its irrigation system.

Continental owns and operates a soybean processing plant in Taylorville, Christian County, Illinois which has wastewater treatment facilities that include lagoons and a spray irrigation system. Due to heavy rains, the northern portion of its 32 acre irrigation field is presently flooded. (See: Exhibit A).

On April 13, 1983, the Petitioner notified the Agency, pursuant to Condition 1 of the Board's Order in PCB 83-45, that the discharge from the flooded irrigation field was to begin. From April 13, 1983 until May 1, 1983, the Petitioner discharged water by way of both the small roadside drainage ditch which leads to the field tile system and via the 18-inch sluice gate. However, a heavy rainfall of approximately 5½ inches occurred on May 1, 1983 which contributed about 6,000,000 gallons of water to the remaining 2,000,000 gallons of water that had yet to be discharged from the irrigation field.

Continental "lost approximately 12 days of pumping" due to this heavy rainfall. (See: Exhibit B). Because the drainage ditch became flooded from surface runoff, Continental was forced to temporarily stop discharging into that ditch. Thus, because of the unexpectedly heavy rainfall and flooding of the drainage ditch, Continental will be unable to drain its irrigation field and repair its irrigation system by the May 11, 1983 expiration date of its provisional variance in PCB 83-45.

On May 2, 1983, Continental made a verbal request to the Agency for an extension of its provisional variance pursuant to Section 180.401 of the Procedures and Criteria for Reviewing Applications for Provisional Variances. This verbal request for an extension of time was followed-up by a formal written request in a letter which was received by the Agency on May 3, 1983. (See: Exhibit B).

The Agency has indicated that samples of the discharge from the flooded irrigation field have been collected and analyzed pursuant to Condition 3 of the Board's Order in PCB 83-45. The Agency notes that "these samples do not reveal any unexpected results that were not anticipated from the information provided in Continental's original request for a provisional variance." (Rec.2). Accordingly, the Agency has stated that "the continued discharge for up to an additional 45 days will not cause a significant environmental impact to the drainage ditch, the unnamed ditch or the South Fork Sangamon River." (Rec.2).

The Agency has concluded that compliance on a short-term basis with the biochemical oxygen demand (BOD) and total suspended solids (TSS) limitations of 35 Ill. Adm. Code 304.120(c) would impose an arbitrary or unreasonable hardship. It, therefore, recommends that the Board grant Continental a variance from Section 304.120(c) for a period of 45 days to begin on May 11, 1983, subject to certain conditions.

Pursuant to Section 35(b) of the Illinois Environmental Protection Act, the Board hereby grants the provisional variance as recommended.

ORDER

Contintental Grain Company is hereby granted a provisional variance from 35 Ill. Adm. Code 304.120(c) for a period of 45 days to begin on May 11, 1983, subject to the following conditions:

1. Continental shall inform Robert Broms, Manager, Compliance Assurance Section, Division of Water Pollution Control (217/782-9720):
 - a. The day the discharge ceases;
 - b. The day repairs are completed and the system is put back into operation.

2. Continental shall either discharge to the sluice gate in order to discharge directly to the field tile or, to the drainage ditch, but, if to the drainage ditch, Continental shall control such a discharge by use of either a pump or another method that can be shut on and off;

3. Continental shall sample, using approved methods, the discharge 2 times per week for BOD, TSS, ammonia nitrogen, and pH;
4. Sample results shall be submitted to Robert Broms, Manager, Compliance Assurance Section within 7 days after the end of each calendar week of discharging;
5. Continental shall remove immediately, upon expiration of this variance, any device used for the discharge; and
6. Within 10 days of the date of the Board's Order, Continental shall execute a Certificate of Acceptance and Agreement which shall be sent to: Illinois Environmental Protection Agency, Division of Water Pollution Control, Compliance Assurance Section, 2200 Churchill Road, Springfield, Illinois 62706. This certification shall have the following form:

CERTIFICATION

I, (We) _____,
 having read the Order of the Illinois Pollution Control Board in PCB 83-64 dated May 5, 1983, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

 Petitioner:


 By: Authorized Agent

 Title:

 Date:

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 5th day of May, 1983 by a vote of 4-0.



 Christan L. Moffett, Clerk
 Illinois Pollution Control Board