## ILLINOIS POLLUTION CONTROL BOARD May 1, 1981

DUBUQUE	PACKING COMPANY,	)
	Petitioner	, )
	v.	) PCB 81-31
ILLINOIS AGENCY,	ENVIRONMENTAL PROTECT	ION )
	Respondent	. )

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

Dubuque Packing Company (Dubuque) filed a petition for variance on February 27, 1981 requesting variance from Rule 404 of Chapter 3: Water Pollution as it relates to suspended solids (SS) to allow its usual springtime discharge from several treatment lagoons. Because the discharge is to Rock River, the appropriate section is Rule 404(a) and the petition is construed as such. An Illinois Environmental Protection Agency (Agency) recommendation to grant the variance subject to conditions was filed April 2, 1981. Hearing was waived, and none was held.

Dubuque owns and operates a complex beef slaughterhouse and processing facility located near Joslin, Illinois. Part of this facility is a wastewater treatment facility which consists of pretreatment, raw waste pumps, two anaerobic lagoons, an aerated lagoon, and three facultative lagoons.

The wastewater treatment facility normally discharges only during the winter months when algae levels in the facultative lagoons are low enough that SS limits can be met. Normally, they are drained to a depth of two feet and allowed to fill to a depth of approximately seven feet. Dubuque alleges that the dike is nearing its overflow point of nine to ten feet.

Dubuque alleges that it was unable to discharge this winter due to high SS levels, predominantly fine algae growth. Under normal conditions the SS levels would have dropped to acceptable levels during the winter months due to a cover of ice and snow blocking sunlight transmission to the lagoons. This did not occur in the relatively mild winter of 1980-81.

The Agency points out that another possible cause of the SS problem is increased production at the facility. However, the precise relationship between production and SS levels is not known at this time.

Dubuque has retained the consulting firm of Wells Engineers, Inc. to evaluate the situation, but neither Dubuque's engineers nor their consultants have found an acceptable method to reduce SS concentrations. Chemical precipitants have been investigated but seem not to be feasible. Straining seems not to have been studied.

In determining whether the variance requested should be granted, the Board must first consider the hardship. In this case a limited amount of such information is given, but it is alleged that denial could result in a shut-down of the entire facility. Variance denials, if adopted, are not shutdown orders. A source can continue to operate but is not shielded from possible prosecution. The possible overtopping of the dike could create an unnecessary economic loss.

On the other hand, the environmental impact is alleged to be minimal due to the high dilution provided by the Rock River and its already high SS levels (measured as high as 215 mg/l on August 30, 1979 and averaging over 70 mg/l from October of 1978 to October of 1979). The Board agrees. (expand).

Therefore, the Board finds that denial of the variance would cause an arbitrary or unreasonable hardship, and that the variance should be granted for the requested ninety days, subject to conditions which should help to minimize or eliminate future difficulties.

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

## ORDER

Dubuque is hereby granted a variance from Rule 404(a) of Chapter 3: Water Pollution, until July 29, 1981, subject to the following conditions:

- 1. Dubuque's discharge shall not exceed a concentration of 45 mg/l SS during the period of this variance.
- 2. Dubuque shall submit to the Agency a study regarding its SS problem within 90 days of the Board's Order. This study shall include, at a minimum, information regarding the relationship between increased production and increased SS levels, likelihood and type of weather conditions that could cause future violations, methods for achieving compliance, and the time schedule for implementing these methods. Based upon this information, if Dubuque or the Agency feels that additional treatment methods are necessary, these methods shall be implemented prior to any future discharges that will violate the SS limitation, and in no event later than January 1, 1983.

Packing Company shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

## CERTIFICATION

I (We), fully understanding the Order or Board in PCB 81-31 hereby accept bound by all of the terms and co		
	SIGNED	
	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 day of, 1981 by a vote of, 1981 by a		
	Christan L. Moffett, Clerk	