

ILLINOIS POLLUTION CONTROL BOARD
March 30, 1978

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 77-112
)
BIG FOOT PACKING COMPANY, INC.)
an Illinois Corporation,)
)
Respondent.)

Mr. Dean Hansell, Assistant Attorney General, appeared on behalf of the Complainant.

Lissner, Rothenberg, Reif and Barth, Attorneys at Law (Mr. Henry B. Rothenberg, of counsel), appeared on behalf of the Respondent.

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

This matter comes before the Board on the April 15, 1977 Complaint brought by the Illinois Environmental Protection Agency charging Big Foot Packing Company with violations of Rules 401(c), 403, 404(f) and 405 of Chapter 3: Water Pollution Regulations and Section 12(a) of the Illinois Environmental Protection Act. A hearing was held on December 12, 1977. The parties filed a Stipulation and Proposal for Settlement on January 25, 1978.

Big Foot Packing Company owns and operates a beef slaughtering facility located at U. S. Route 14 near State Line Road in Harvard, Illinois. The area surrounding Big Foot's McHenry County plant is predominantly rural. There are a few commercial buildings to the west along U. S. Route 14, a gravel pit to the south, and residences to the east along State Line Road.

The beef slaughtering facility consists of a live animal holding "confinement" area, a kill floor and carcass processing area, a meat cooling and storage area (with attached loading dock), office space, and a wastewater treatment works.

The wastewater treatment works normally treats about 8,000 gallons of process water from the slaughtering operation. This wastewater treatment works consists of primary settling tanks, extended aeration activated sludge tanks, and chlorination facilities.

Effluent from the wastewater treatment works is discharged into a gravity sewer, from which it flows into an intermittent stream (Lawrence Creek). Lawrence Creek is a tributary of Piscasaw Creek, which is a tributary of the Kishwaukee River.

The treatment works was designed to treat wastewater generated by the processing of 190 calves per day, or 100 calves and 20 cattle per day. However, at times, the Company has processed 110 to 130 cattle per day. Shock loading on the wastewater treatment works under these conditions resulted in organic overloading. (Stip., p.6)

The Agency first notified the Company that its treatment works was organically overloaded and that effluent quality was unacceptable in 1972. Subsequent attempts by the firm to make various changes in its treatment process did not markedly improve effluent quality. Consequently, the Agency filed a Complaint against the Respondent which alleged that the effluent discharged from Big Foot's wastewater treatment works contained contaminants in violation of various effluent limitations delineated in the Board's Water Pollution Regulations. The effluent contained visible grease, scum, color, odor and turbidity; excessive fecal coliform and suspended solids; and five-day biochemical oxygen demand (BOD₅) in excess of prescribed limits.

In lieu of a full hearing on this matter, the parties submitted a Stipulation of Facts and Proposal for Settlement to the Pollution Control Board for approval.

Basically, the settlement agreement provided that the Company will: (1) construct a permanent flow equalization tank as part of its treatment works; (2) test effluent from its existing treatment works for ammonia nitrogen to determine the appropriate treatment system to bring its effluent into compliance with the Water Rules; (3) submit the requisite permit applications to implement the plan for additional wastewater treatment which is approved by the Agency; (4) employ a certified treatment works operator; (5) obtain an Operator's Manual from its consulting engineer; (6) submit monthly progress reports concerning its construction program and compliance with all aspects of the settlement agreement; and (7) pay a stipulated penalty of \$2,000.00 .

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 Act. Incinerator, Inc. v. Illinois Pollution Control Board, 59 Ill. 2d 290, 319 N.E. 2d 794 (1974).

Accordingly, the Board accepts the Stipulation and Proposal for Settlement and finds Big Foot Packing Company in violation of Rules 401(c), 403, 404(f) and 405 of Chapter 3: Water Pollution Rules and Regulations and Section 12(a) of the Act from September 26, 1974 until April 15, 1977. The Board imposes the stipulated penalty of \$2,000.00 .

This Opinion and Order constitute 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. Big Foot Packing Company has violated Rules 401(c), 403, 404(f) and 405 of Chapter 3: Water Pollution Rules and Regulations and Section 12(a) of the Act from September 26, 1974 until April 15, 1977.

2. Within 35 days of the date of this Order, Big Foot Packing Company shall pay the stipulated penalty of \$2,000.00, payment to be made by certified check or money order to:

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

3. Big Foot Packing Company shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed January 25, 1978, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of March, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board