

ILLINOIS POLLUTION CONTROL BOARD
May 22, 1975

KITCHENS OF SARA LEE,)
Petitioner,)
)
)
v.) PCB 75-40
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

Petitioner, Kitchens of Sara Lee (hereinafter "Sara Lee"), filed a petition for variance on January 27, 1975. On February 6, 1975, we held the petition to be inadequate and ordered Sara Lee to amend the petition and provide additional information within 45 days. On March 25, 1975, the Environmental Protection Agency filed a Motion to Dismiss the petition because Sara Lee had failed to comply with the Board order. On the following day, March 26, 1975, the amended petition was filed with the Board. In an answer to the Agency's Motion to Dismiss, filed on April 2, 1975, Sara Lee explained that notification of the Board Order for additional information was not received until February 24, 1975. The additional information was submitted to the Board 28 days after receiving notification. The Agency filed its recommendation to grant the requested variance on April 16, 1975. We conclude that such a recommendation indicates an intent to waive the motion to dismiss. In light of this and the delay in notification of Sara Lee of the Board Order seeking additional information, we accept the petition as adequate and consider it on its merits.

Sara Lee owns and operates a manufacturing facility in Deerfield, Lake County, Illinois, engaged in the production of frozen bakery goods. The plant employs approximately 1,400 employees. Variance is sought to allow the connection of a wastewater source to the sanitary sewer system of the Village of Deerfield. We interpret the petition as requesting a variance from Rule 962 of Chapter 3: Water Pollution Regulations of Illinois. In the alternative, Sara Lee requests a variance from the applicable effluent and water quality standards of Chapter 3 to allow the continued discharge of wastewater to a storm sewer system which discharges into the west fork of the north branch of the Chicago River.

The plant utilizes four Zeolite water softners in order to remove certain objectional mineral constituents from certain process waters. Approximately 2,500 pounds of salt is used daily to recondition the zeolite filters. The backwash and rinse waters and spent brine, amounting to approximately 24,000 gallons per day, are presently discharged to a pit in the floor of the room in which the softeners are located. The floor pit discharges into a drainage system which collects stormwater from the plant's yard and roof drains. The drainage from the pit and the stormwater then enters a detention basin which empties into a 36-inch storm sewer which flows in a westerly direction and eventually empties into the west fork of the north branch of the Chicago River. Sara Lee seeks this variance because it was denied an Agency permit to connect wastewater source to the Deerfield sanitary sewer system.

The Deerfield sewage treatment plant has a design average flow of 2.5 mgd. Effluent is discharged to the west fork of the north branch of the Chicago River, having a 7-day one-in-ten-year low-flow of zero. The average flow at the plant from October, 1973 to November, 1974 was 2.56 mgd. This flow does not reflect the bypass flowing discharging at two points in the sewage system. An influent bypass system discharges untreated sewage into the west fork of the north branch of the Chicago River. Untreated sewage is also bypassed into the middle fork of the north branch of the Chicago River. The Agency estimates that each bypass occurs on an average of six times per month. Operating report submitted by Sara Lee to the Agency indicate the following average contaminant concentrations:

	<u>BOD</u>	<u>SS</u>
February, 1975	19	9
January, 1975	32	16
December, 1974	18	13
November, 1974	16	(no samples)
October, 1974	19	"
September, 1974	26	"
July, 1974	26	"
June, 1974	15	"

On March 17, 1975, the Agency issued a construction permit to Deerfield which contemplated an 18 month, \$6 million expansion program to provide treatment for 3 mgd plus additional excess flow treatment. The Agency expected to certify Deerfield's Step 3 grant request by no later than June 1, 1975. Thus, the expansion program is expected to be completed by December of 1976.

Although Sara Lee does not provide any data as to the cost or feasibility of installing its own treatment system, the Agency admits that the construction of an extremely small single-purpose treatment plant in the service area of a sewage treatment system is not cost effective and contrary to the overall Agency support for regional wastewater treatment. The Agency thus maintains the connection to the Deerfield sanitary sewer system is the only viable alternative, as opposed to continued discharge into the storm system. Although we do not normally allow additional connections to overloaded treatment systems, we agree with the Agency that the presently requested connection will result in overall environmental enhancement. It is likely that the water softener wastes will have a lesser impact on the receiving stream if mixed with the municipal wastewater rather than periodically discharged directly to the stream. The wastes would represent little or no additional biological load on the plant, and would result in only a little more than one percent increase in the hydraulic load. In light of these factors we consider that it would be an arbitrary and unreasonable hardship on the petitioner to deny this variance.


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

ORDER

Variance from Rule 962 of Chapter 3: Water Pollution Regulations of Illinois is hereby granted to allow petitioner, Kitchens of Sara Lee, to connect its Zeolite water softener backwash to the Village of Deerfield sanitary sewer system.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22ND day of May, 1975 by a vote of 5-0.



Christian L. Moffett, Clerk
Illinois Pollution Control Board