

ILLINOIS POLLUTION CONTROL BOARD

December 13, 1973

ENVIRONMENTAL PROTECTION AGENCY,     )  
  )  
                                  Complainant,     )  
  )  
                                  v.                     )             PCB 72-285  
  )  
ILLINI BEEF PACKERS, INC.,             )  
  )  
                                  Respondent.        )

Larry R. Eaton, Assistant Attorney General for the EPA  
William R. Carney, Attorney for Respondent

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

The Environmental Protection Agency alleges that Respondent's Joslin, Illinois beef processing and packaging plant has discharged methane, hydrogen sulfide and other odorous contaminants in violation of Section 9(a) of the Environmental Protection Act and Rule 3-3.280 of the Rules and Regulations Governing the Control of Air Pollution. The period of alleged violations is from September 16, 1971 until the date of the filing of the Complaint on July 2, 1972. It is also charged that the installation of facilities on December 29, 1969 and the installation of after-burner on December 15, 1971 were conducted without Agency permit in violation of Section 9(b) of the Act and Rule 3-2.100 of the Rules.

Public hearing was held on September 28, 1973. In lieu of testimony, the parties presented a Stipulation of facts and an agreed settlement. The only testimony at the hearing was presented by Charles Wilkins, one of Respondent's neighbors. Wilkins said that odors from Respondent's plant had created a "problem" in the past but had been significantly abated. He indicated that he had reviewed the Stipulation and believed it to be an acceptable solution to the odor problem.

The Stipulation stated that Illini Beef Packers, Inc. was organized in 1968 by a group of business and professional men residing in Geneseo, Illinois. The firm was to construct an automated packing plant capable of processing 150 head of cattle per hour, or an average of 6,000 head per week, including by-products. Construction plans were approved by the Rock Island

County Zoning Board and, on June 16, 1970, the Illinois Sanitary Water Board issued an installation and operation permit for the facility. The plan called for construction of a \$650,000 sewage lagoon system engineered to meet all Standards of the 1972 Federal Water Quality Amendments.

The Stipulation states that Respondent failed to obtain an installation permit from the Environmental Protection Agency's Air Pollution Control Permit Section at the time the original facilities were being installed in December 1969. Since the Agency was not in existence at that time, we shall consider the Stipulation to refer to the Air Pollution Control Board rather than the Agency.

Operations commenced on August 2, 1971. The filling process and accompanying bacterial action proceeded satisfactorily in the anaerobic lagoons. This process allowed the first two anaerobic lagoons to crust over within the first few months of operation and aided in controlling odors from the lagoons. However, Illini Beef decided it would be necessary to install an afterburner to control odors from its dry rendering cookers. Permit applications were mailed to the Agency on September 28, 1971 and acknowledged by the Agency on October 5, 1971. Respondent installed the device in December 1971 and the Agency finally issued the permit on February 18, 1972.

We feel that the Stipulation is adequate to establish the fact that there were minor permit violations.

The Stipulation, however, is inadequate to establish the "odor" violations. Respondent has denied that it emitted odors so as to cause or tend to cause air pollution but agrees that the Board may find violations "based on the stipulated facts." The stipulated facts do not prove either a 9(a) violation or a violation of Rule 3-3.280 of the Rules.

On September 16, 1971 two Agency investigators and the representative of a local air pollution control agency investigated the plant and detected odors in the area of the lagoon system. The Stipulation also relates that, prior to installation of the afterburner, odor was detected at the inedible rendering room, possibly from cookers, percolators, cracklings trough, expellers, sewage sumps, a dry storage bin, vents from a barometric condenser and a hot well.

Two EPA investigators returned to the plant on January 21, 1972 and detected "sewage" odors on the north (downwind) side of the aerated lagoon and the west end of the anaerobic lagoons. Odors were also detected in the hide room, the inedible rendering room, and at a duct venting from the hide department. At 5:30 p.m. on that date, odors were detected on a black top road about 3/8 of a mile north of the plant.

On both of those dates the odors were thought to be methane, hydrogen sulfide amines and sulfur compounds and possibly ammonia, ethyl amines, hydrogen sulfide, skatole, sulfides, mercaptans and other undefinable odors. The Stipulation did not specify the degree of intensity of any of the odors or any information from which we could infer that the odors unreasonably interfered with the enjoyment of life or property. We are therefore unable to conclude that the odors caused air pollution on the two dates in question.

Three Agency investigators again visited the plant on February 17, 1972 for the purpose of conducting an odor survey. The odor survey is pertinent in determining whether there was a violation of Rule 3-3.280 of the Rules and Regulations Governing the Control of Air Pollution. The survey was conducted using a scentometer at a site approximately one-half mile southwest of Joslin. The scentometer allows the investigator to determine the strength of an odor by measuring the quantity of clean air which is needed to dilute the contaminated air below its odor threshold. Results of the survey were as follows:

<u>Observer</u>	<u>Time</u>	<u>Dilution Opening Inside Diameter</u>	<u>Dilution/ Threshold Ratio</u>
Rick Rubenstein	1:53P	1/16 inch	128
Fred L. Smith	1:56P	1/8 inch	32
Frank Sherman	1:58P	1/4 inch	8
Rick Rubenstein	2:15P	1/8 inch	32
Frank Sherman	2:17P	1/4 inch	8
Fred L. Smith	2:20P	1/8 inch	32
Rick Rubenstein	3:00P	1/8 inch	32
Fred L. Smith	3:12P	1/4 inch	8
Frank Sherman	3:25P	1/4 inch	8

Since the investigators did not reveal their locations at the times the tests were made, we are unable to say which part of Rule 3-3.280, Sub-part 3-3.284 might have been violated. We note that the most lenient dilution volume allowed by that Rule is twenty-four (24) and it would seem that some of the readings were in violation of the most lenient part of the Rule. We can not assume, however, that the odor was caused by Illini Beef. We are not told which way the wind was blowing. Nor is there any description of the nearby area to establish that the odor wasn't caused locally. The stipulated facts are simply inadequate for us to draw the necessary inference regarding the odor violation.

The Stipulation does indicate that Respondent had installed additional odor control equipment"as a further precautionary

measure". A construction permit was obtained for a wet scrubbing/chemical oxidation system to treat air from the inedible rendering room, and after testing showed the system to be successful, an operating permit was issued by the Agency.

Although Illini Beef does not admit violation of any law, rule or regulation it does agree to pay a penalty not exceeding \$2,000 in the event we find from the Stipulation that violations did occur and Respondent also agrees that we may enter an order requiring the Company to improve its operational and housekeeping practices and institute a program of investigation of citizen complaints within a 5 mile radius of the plant. We approve of the suggested order and will impose a monetary penalty in the amount of \$500 for the permit violations. The full \$2,000 penalty can not be imposed since the record is inadequate to prove a violation of Section 9(a) of the Act and Rule 3-3.280 of the Rules.

One issue remains. Earlier Respondent filed a Motion to Strike the Complaint, alleging that the hearing officer had delayed scheduling the hearing in this matter an unreasonable period of time to the prejudice of Respondent. That part of the Motion to Strike was taken with the case in order to give Respondent an opportunity to present evidence that it had been prejudiced by the handling of the case. Respondent did not offer any such evidence and the Motion to Strike is therefore denied.

ORDER

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

- a) Illini Beef Packers, Inc. shall immediately commence a program to investigate its processing, including its inedible rendering processing facilities and its waste water treatment system, to determine whether methods of operation, housekeeping or other maintenance practices may be causing periodic odor emissions from the plant; and upon determination of same, if any, shall immediately take, or propose a program for taking, whatever available steps are deemed to be required as technologically practicable and economically reasonable to improve such operational, housekeeping and maintenance practices; and further shall report all such findings together with all steps taken or proposed to be taken and any alternative steps available, as result of said investigation to the Environmental Protection Agency and

the Pollution Control Board, within 60 days of the entry of this Order. The Agency shall review and comment upon said report within 30 days of its filing.

- b) Illini Beef, for a period of one year following entry of this Order, shall conduct a program to allow any citizen residing within a 5 mile radius of the plant and having a bona fide complaint concerning an odorous emission from the plant, if any, to call a designated telephone number at any time, 24 hours a day, 7 days a week, to report such complaint; that Illini Beef during the said one year period, shall see to it that a person is available at all times to answer said telephone number on behalf of Illini Beef and to record said complaint; and further that Illini Beef, during the same one year period, shall keep a person available between the hours of 6 a.m. and 12 p.m. Monday thru Saturday, holidays excluded, to escort any such person so desiring upon the plant premises to ascertain the cause and source of alleged odorous emissions during that time;
- c) Respondent shall within 35 days of the date of this Order pay to the State of Illinois the sum of \$500 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706.
- d) The Illinois Pollution Control Board retains jurisdiction of this cause to enter further orders regarding any program reported by Illini Beef and approved by the Agency as provided in Paragraph a.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 13<sup>th</sup> day of December, 1973 by a vote of 5 to 0.

Christan L. Moffett