

ILLINOIS POLLUTION CONTROL BOARD

December 5, 1972

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 71-364
)
 VILLAGE OF AUGUSTA, DENNIS FOOD)
 COMPANY, a subsidiary of Modern)
 Foods, Inc., and DENNIS CHICKEN)
 PRODUCTS CO., INC.,)
)
 Respondents.)

Delbert Haschemeyer, Assistant Attorney General for the EPA
Samuel J. Naylor, Attorney for Village of Augusta
Charles A. Scholz, Attorney for Dennis Food Company and Dennis
Chicken Products Co., Inc.

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

The Environmental Protection Agency has charged that Respondent Dennis Food Company and Dennis Chicken Products Co., Inc. have caused or allowed the discharge of grease from a packing plant so as to cause water pollution in violation of the Environmental Protection Act, Section 12(a). It is also charged that the Village of Augusta operated its sewage treatment plant so as to allow the discharge of grease into a tributary of Williams Creek; that the Village has provided inadequate maintenance of its sewage treatment facility resulting in a strong odor and air pollution in violation of EPA Section 9(a); and that the Village has failed to make reports to the EPA regarding the operation of its sewage treatment plant.

The Village of Augusta has a decreasing population (822 in the last Federal Census) and is said to be economically depressed. Respondent Dennis Food Company is the only industry in town, employs about 140 people and is the major economic base of the community. This Company dates back to a time about 40 years ago when Oren Dennis started to process and pack chicken on a modest scale. The business grew to gross annual sales of about \$4,000,000. The family business became incorporated as Dennis Chicken Products, Inc. and many years later in January 1970, that Corporation sold all of its assets to Dennis Food Company, a wholly owned subsidiary of Modern Foods, Inc. Both Chicken Products Company, Inc. and Dennis Food Company, a subsidiary, are named as Respondents.

In the process of preparing and canning chicken products grease is deposited on the floor of the plant and is subsequently removed by washing. This grease-water mixture at temperatures up to 170° F.

was for years discharged from the plant to a small unnamed creek which empties into Williams Creek about 2 1/2 miles downstream.

In 1954 the Village installed a public sewer system and Dennis connected to that system. (The Dennis plant is a major source of the revenue needed to pay for the revenue bonds used to finance the sewer system.) The sewage treatment system could not handle all of the industrial waste coming from the Dennis plant, and therefore Dennis installed a grease trap in the public street near the plant in an attempt to reduce the amount of grease flowing to the sewage treatment plant. Dennis maintained the grease trap and periodically removed the grease and solids in order to avoid the discharge of large quantities of industrial waste into the sewer system. The grease was sold for 3¢ a lb.

This installation was ineffective. Inspections during 1969 and 1970 still revealed grease in the sewage plant Imhoff tank, the sewage lagoon and along the banks and on the bottom of the stream below the sewage treatment plant outfall. The grease varied in thickness from 12" at the inlet to 6" at the outlets of the Imhoff tank in March 1970. In November 1970 the sewage treatment effluent was tested for fecal coliform at 400,000 per 100 ml. (standard 2,000 per 100 ml.)

Sometime in 1971 the chicken processing company installed a DeLevel Separator within the plant to separate fat from broth in the cooking process. This fat is then sold for 15¢ a lb. This was an internal process which did not reduce the amount of grease being discharged down floor drains from the washing of equipment and floor.

On two occasions Dennis Company consulted with engineering firms for the design of facilities to eliminate substantially all of the grease from entering the public sewer system. The Company, however, has not actually installed any such equipment. Inspections by the EPA during 1971 revealed: Raw sewage bypassing the lift station, and fecal coliform at bypass 2,900,000 per 100 ml (January); pump station clogged with grease, odors at sewage treatment plant (March); sewage treatment plant effluent green in color and containing grease. Fecal coliform 5,100 per 100 ml. Thick layer of grease covering Imhoff tank, odor strong and extremely nauseating (April); liquid bypassing the lift station. Fecal coliform 4,600,000 per 100 ml. Grease ball accumulation in lagoon. Sharp rancid odor from Imhoff tank (May).

The record shows that Dennis provides a pump truck for removing congealed grease and solids from the grease trap in the street. However, the equipment has been inoperable on a number of occasions thereby increasing the amount of grease which passes into the force mains and lift station. The water-grease mixture entering the grease trap is so hot that much grease passes through the trap as a liquid and into the force main where it eventually cools and deposits on the inside of the pipe and lift station. One witness testified that the

6" mains were gradually restricted because of grease to the point where only a 1" opening remained.

The Dennis Company has failed to comply with a Village ordinance requiring that manholes be installed to facilitate observations and sampling of discharges and has failed to furnish samples of the discharge as also required by ordinance.

For several years the sewage treatment system was not operated efficiently by Village personnel. The superintendent failed to take appropriate action to reduce the heavy grease accumulation with the result that the pumps would become clogged and inoperative. He failed to make required reports to the EPA. The Village had trouble finding an employee to replace its sewage treatment plant operator but has now hired a new superintendent who is vigorously trying to clean the sewage treatment plant and upgrade the entire system.

For the past year the Dennis Food Company has been making plans to install a Flotation System of Grease Removal to be purchased from the Carborundum Company. The cost of this entire system is estimated to be about \$48,000 and it is intended to reduce the quantity of grease entering the sewer from the Dennis plant. The Environmental Protection Agency has issued a permit for the installation of the equipment. However, the Modern Foods, Inc. Board of Directors has not made the final decision for the installation of the equipment.

The Village of Augusta does not approve of the proposed installation since it does not comply with Village Ordinance 327. The Village desires the complete elimination of the overflow line from the grease trap so as to eliminate all possibility of discharges to the sewer system without adequate treatment. The Village would also like to have manholes installed for observing and metering the waste and for flushing the lines out when necessary.

We conclude from the evidence that Dennis Food Company, a subsidiary of Modern Foods, Inc. and Dennis Chicken Products Co., Inc. have caused the discharge of grease so as to cause or tend to cause water pollution in Illinois in violation of Section 12(a) of the Environmental Protection Act. The violations have been of long standing. A substantial monetary penalty is appropriate in addition to our Order requiring the installation of equipment to curtail the problem. We therefore order the two Dennis corporations to jointly pay a monetary penalty of \$5,000 and to cease and desist from the violations which have been proven in this case. We further order Dennis Food Co., a subsidiary of Modern Foods, Inc. to install the proposed Flotation System of Grease Removal in compliance with the EPA permit and Village of Augusta Ordinance 327.

We further find that the Village of Augusta has been derelict in its duty by failing to file the necessary reports with the EPA

regarding the operation of the sewage treatment plant and by failure to maintain the equipment at said plant in good working order. We commend the Village and its current sewage treatment plant superintendent for making an aggressive effort at this time to bring the sewage treatment system into good working order. However, for past violations we believe the Village should pay a monetary penalty of \$200 and of course we shall order the Village to cease and desist from those violations. We suggest that the Village of Augusta provide Mr. Rittenhouse, its current superintendent, with the training necessary for him to become a certified operator.


ORDER

It is ordered that:

1. Respondents Village of Augusta, Dennis Chicken Products Co., Inc. and Dennis Food Company, a subsidiary of Modern Foods Inc. cease and desist from the violations of the Environmental Protection Act and our Rules and Regulations which had been found to exist in this Opinion.
2. That Dennis Food Company, a subsidiary of Modern Foods Inc. and Dennis Chicken Products Co., Inc. jointly and severally pay to the State of Illinois by January 15, 1973 the sum of \$5,000 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 Drive, Springfield, Illinois 62706.
3. That Dennis Food Company, a subsidiary of Modern Foods, Inc. shall install the proposed Flotation System of Grease Removal in such a manner as to comply with the EPA permit and Ordinance 327 of the Village of Augusta as soon as possible but no later than six months from the date of the Order in this case.
4. That Dennis Food Company immediately establish a daily monitoring system for its present grease traps and for the proposed pretreatment facility and submit monthly reports to the EPA detailing the monitoring and operation of the facilities and the progress toward installation of the proposed Flotation System of Grease Removal.
5. That Respondent Dennis Food Company, a subsidiary of Modern Foods Inc. post with the EPA in form satisfactory to the Agency a Performance Bond in the amount of \$40,000.

6. That Respondent Village of Augusta shall pay to the State of Illinois by January 15, 1973 the sum of \$200 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 Drive, Springfield, Illinois 62706.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 5th day of December, 1972 by a vote of 4 to 0.


Christian L. Moffett, Clerk
Illinois Pollution Control Board

