

ILLINOIS POLLUTION CONTROL BOARD
March 28, 1972

KRAFT FOODS DIVISION OF)
KRAFTCO CORPORATION)
)
v.) PCB 71-388
)
ENVIRONMENTAL PROTECTION AGENCY)

Richard M. Keck, Attorney for Kraft Foods Division
Thomas J. Immel, Attorney for the Environmental Protection Agency

Opinion and Order of the Board (by Mr. Aldrich):

Kraft Foods Division ("Kraft") of Kraftco Corporation requests a variance from the sewer ban of the Agency (November 20, 1970) and from Paragraph 6 of the Order of this Board in PCB 71-8, City of Mattoon v. EPA, (April 14, 1971) to attach its waste discharge to the Mattoon municipal sewer.

In October 1969, Kraft reached agreement with the City of Mattoon to locate and construct a food processing plant. The City assured Kraft that its sewage treatment facilities were being upgraded and would be capable of accepting 200,000 gallons per day of plant effluent of normal domestic strength. Petitioner let the contract June 24, 1970, and construction commenced September 1970, with expected completion by March 15, 1972.

Petitioner's waste discharges consist mainly of edible food products including BOD material, suspended solids and grease. Petitioner has expended approximately \$1,000,000 for pretreatment installations in order to bring the BOD and suspended solids down to levels that are acceptable to the City for discharge into the municipal sewer system. Production of the plant is to be initiated stepwise with 140,000 gallons flow per day planned for 1972-73, 160,000 gallons per day in 1974-75, and 200,000 gallons at some future date. In addition to the materials already listed, there will be small amounts of caustic, acids and detergents discharged intermittently in connection with cleaning operations, but no strong chemicals, toxic solutions or heavy metals will be used.

Prior to the hearing, Kraft and the Agency entered into a stipulation detailing among other items the nature and amount of proposed discharge, the dates of permits, the general design and expected completion dates of pretreatment facilities, the size and location of a retention basin, the status of the sewage treatment facilities of the City of Mattoon, and the condition of the receiving stream, Kickapoo Creek.

The City as of February 8, 1972, has raised its capacity for primary and secondary treatment from 3.2 mgd when the sewer ban was imposed up to 4.4 mgd. An additional 4 mgd can receive primary treatment. Numerous other improvements have been completed. The City is thus prepared to handle all dry weather flow including the proposed discharge from Kraft in compliance with present requirements of 20 mg/l BOD and 25 mg/l suspended solids. Prior to March 7, 1972, the City was behind schedule in meeting the interim planning and construction dates needed to meet the final compliance date of July 1, 1972, for 4 BOD and 5 suspended solids in its effluent and for disinfection of all its effluent as required in SWB-14. On March 7, 1972, however, the Board in adopting Water Quality Standards, R 71-14, postponed until December 31, 1973, the date for meeting the 4 BOD and 5 SS standards. Kraft discharges will not cause the City effluent to exceed present standards of 20 mg/l BOD and 25 mg/l SS under normal flow conditions.

In order not to add to the volume of storm water that bypasses the sewage treatment plant following heavy rainfall, Respondent has installed an aerated retention basin of 600,000 gallons (See PCB 71-218, Mars Development Company of Illinois, Inc.) capable of holding 5 days of processing water for the 1972-73 schedule and 3 1/2 days when operations are increased to the maximum design (200,000 gallons per day). Additional temporary retention capacity can be quickly constructed if needed in an emergency. The retention basin will discharge into the sewer system only after by-passing of storm water has ceased and the city agrees that the treatment plant can accommodate it.

The League of Women Voters asks us to "order Kraft to undertake a study of the feasibility of recycling its waste on the land." We support the principle of recycling and would welcome a response by Kraft to the suggestion of the League but are unwilling to order Kraft to undertake such a study when they have already developed a plan that is acceptable to both the Agency and to the City of Mattoon.

The Agency recommends that, in case the variance is granted, we set a limit of 140,000 gallons and 350 pounds BOD per day. Petitioner's response to this is that the limitation should be 200,000 gallons and 500 pounds BOD per day inasmuch as those are the intended future discharges from the plant. In the hearing, Petitioner stated categorically that "the appropriate limit would be 350 pounds," (R. 40). That is acceptable to us. The statutory limit on variances is one year, thus it will impose no hardship on Kraft to limit the discharge to 350 pounds per day during the first year of operation. We find no reason to set a limit on the quantity of water to be discharged since the City can handle the anticipated flow in dry weather and since the flow will be retained when the sewer is full because of storm runoff.

We are convinced that Petitioner acted in good faith in originally relying on the statement from the City that its sewage treatment facilities would be upgraded and in compliance with standards prior to the completion

of the construction of Petitioner's plant. We feel that Petitioner has in addition taken all steps that could reasonably be expected in order to minimize the impact of its discharges. We do not feel that Kraft, the community, and prospective employees should be unnecessarily penalized because of failure of the City to meet its schedule for compliance with the then applicable standards. To deny the petition would result in the Kraft plant standing idle with a consequent loss of 140 jobs in the first year with a payroll of approximately \$1,000,000. As a result of pretreatment of its wastes by Kraft, retention in case of storm runoff, and improvements made by the City in its sewage treatment, the effect on the receiving stream from granting the variance appears to be slight.

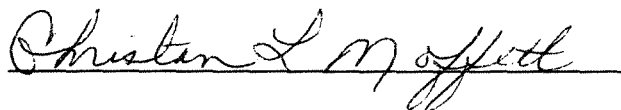
The Revised Recommendation of the Agency is that the variance be granted subject to certain limitations. We concur and hereby grant the request for a variance as specified in the Order.

ORDER

1. Kraft Food Division of Kraftco Corporation is hereby granted a variance until March 28, 1973, from the sewer ban imposed in PCB 71-8, City of Mattoon v. EPA, in order to attach its food processing plant to the Mattoon municipal sewer.
2. Superintendents and operators of Kraft's waste pretreatment facility shall be certified under Illinois Environmental Protection Agency Rules and Regulations for certification of operators:
3. Kraft shall provide facilities for the temporary retention of all treated process waste water on its property, such facilities to include a retention basin designed for 3 1/2 days detention of waste.
4. The retention basin shall be equipped with aeration devices to reduce the possibility of odor during periods of storage.
5. Kraft shall install a rain gauge that will permit a determination of when the discharge of wastes from its aerated storage basin should be stopped in order to prevent overloading the interceptor sewer of the City of Mattoon.
6. Kraft shall not begin operation of the plant until its pretreatment facilities are completed.
7. During the period from start up to March 28, 1973, Kraft shall limit its discharges to no more than 350 pounds BOD per day.

8. Kraft shall close the valve at the aerated storage basin whenever storm water is being bypassed or in case of temporary upsets at the City plant. The valve shall not be opened until the City informs Petitioner that bypassing has ceased and the city sewage treatment plant can accommodate the additional load.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above opinion and order this 28th day of March, 1972, by a vote of 5-0.

A handwritten signature in cursive script, reading "Christan L. Moffett", is written over a horizontal line.