

ILLINOIS POLLUTION CONTROL BOARD  
June 6, 1972

ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 )  
 v. ) # 71-319  
 )  
 )  
 HOLLAND ICE CREAM & CUSTARD CO. )  
 (WAREHAM'S DAIRY) )

Supplementary Opinion of the Board (by Mr. Currie):

On February 3, 1972 we found the respondent dairy in violation of certain provisions with respect to wastewater discharges and ordered the submission of a control program by March 1. On February 25 the company requested an extension of 60 days for reasons we found sufficient in a second order issued March 28. On April 30 the dairy sent to us and to the Agency its program, providing for disposal of the effluent on 90 acres of agricultural land by spray irrigation. Detailed design work was to begin May 1 and to take no more than four months, and the \$50,000 project cost had been approved by the Board of Directors. The company said it would begin construction "as soon as proper permit can be obtained" and would "push the project in every way we can to completion." Request was made for "time to move ahead and construct an acceptable facility."

The Agency has reviewed the program and found it satisfactory, recommending that it be approved on condition that recommended standards of the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers be followed to assure protection against contamination of ground or surface waters among other things; that a permit be obtained by August 31; and that the facilities be in operation "at the earliest possible date thereafter."

We are convinced the company is moving diligently to solve its problem and approve the program subject to conditions similar to those suggested by the Agency. Following the GLUMRB criteria is necessary to avoid pollution. The August 31 date is when the plans are to be completed according to the company, and we will require they be submitted with a permit request by that date, but we cannot expect the Agency to finish its evaluation and issue the permit then. We shall

require construction as quickly as practicable, but will also require that a firm completion date be specified at the time of permit application, subject to EPA comment and Board approval. We will also, as earlier requested by the Agency, require a bond or other security to assure completion of the program.

Finally, the question whether a money penalty should be imposed for the original violations remains open for decision, and we invite submissions by the parties on that issue, which we will decide when we pass upon the construction schedule.

ORDER

1. WAREHAM'S DAIRY, DIVISION OF HOLLAND DAIRY, INC. ("the company") shall diligently pursue the program of spray irrigation described in its April 30 report.
2. Addendum No. 2 Recommended Standards for Sewage Treatment Works, GLUMRB (1968 edition) shall be complied with in the design and installation of these facilities.
3. Design shall be completed, and complete plans submitted to the Agency with a permit application, as soon as practicable and in no event later than August 31, 1972.
4. At the time of submitting such plans, the company shall set forth a firm schedule for completion of the facilities, which shall provide for operation as soon as is practicable.
5. The Agency shall comment upon such schedule within 20 days after its receipt, and the Board shall thereafter make such further order as may be appropriate.
6. Within 35 days after receipt of this order, the company shall post with the Agency a bond or other adequate security in the amount of \$50,000 to assure compliance with this order.
7. All provisions of prior Board orders remain in full force and effect except as inconsistent with this order.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Supplementary Opinion this 6th day of June, 1972, by a vote of 4-0.

