

ILLINOIS POLLUTION CONTROL BOARD

May 26, 1977

CPC INTERNATIONAL, INC.,)
)
 Petitioner,)
)
 v.) PCB 77-80
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter is before the Board on the petition filed on March 11, 1977, by CPC International, Inc., seeking relief from Rule 404(b)(ii) of Chapter 3: Water Pollution, as regards the suspended solids content in the effluent from the wastewater treatment facility at its Pekin plant. The Agency did not contest any of Petitioner's allegations in its Recommendation which is favorable to the grant of the variance.

Petitioner owns and operates a corn wet milling plant in Pekin which has a capacity of approximately 70,000 bushels of corn per day and employs 705 people. The plant processes corn into corn sweeteners, corn starches, vegetable oils and feed by-products. Petitioner obtains its process water from the Illinois River and the wastewater from its waste treatment plant discharges to the Illinois River. Since 1973 Petitioner has expended over \$2.8 million on capital improvements to its treatment plant; research and development costs for this period total about \$470,000, and the 1976 operating costs were \$760,000 (Pet. 3).

Despite these expenditures and even though Petitioner's facilities are well operated and maintained (Rec. 2), Petitioner has been unable to attain compliance with Rule 404(b)(ii). Petitioner's discharge presently contains suspended solids levels in the range between 30 and 50 mg/l on a 30-day average. Petitioner alleges that the Illinois River will not suffer any environmental harm from the Petitioner's discharge which may be in excess of the suspended solids limitations of Rule 404. Petitioner alleges, and the Agency agrees, that its water pollution control system is sophisticated and complex, and that some additional time is required to optimize the performance of the existing system. Petitioner

alleges that it would suffer an arbitrary or unreasonable hardship if required to install any additional equipment at this time when the existing system may prove to be sufficient.

In view of the foregoing, the Board is disposed to grant the relief requested. The Board believes that it would be unreasonable to deny Petitioner the opportunity to fully test its existing system before deciding what additional measures are necessary to achieve compliance. The relief will be conditioned on the fact that Petitioner limit its suspended solids content to a level not to exceed 50 mg/l on a 30-day average.

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

ORDER

Petitioner, CPC International, Inc., is granted variance until December 1, 1977, to the extent consistent with the applicable provisions of the Federal Water Pollution Control Act Amendments of 1972, and the regulations pursuant thereto, from Rule 404(b)(ii) of Chapter 3: Water Pollution, as regards suspended solids for the discharge from its Pekin wastewater treatment facility subject to the following conditions:

1. Petitioner shall limit its suspended solids content to a level not to exceed 50 mg/l on a 30-day average.
2. Within 35 days of the date of this Order, the Petitioner shall submit to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706, an executed Certification of Acceptance and agreement to be bound to all terms and conditions of the variance. The form of said certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order of the Pollution Control Board in PCB 77-80, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

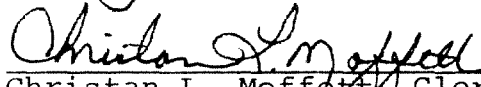
SIGNED

TITLE

DATE

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26th day of May, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board