

ILLINOIS POLLUTION CONTROL BOARD  
February 1, 1979

QUINCY SOYBEAN COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 78-281
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

This matter comes before the Board on a Petition for Extension of Variance filed on November 13, 1978 by Quincy Soybean Company ("Quincy") requesting an extension of its existing variance (PCB 76-113) from the thermal discharge standard of Rule 203(i) of Chapter 3: Water Pollution Regulations to allow the discharge of 5.5 MGD of cooling water effluent (average temperature 80° Fahrenheit) to Curtis Creek, approximately 1,500 feet from its confluence with the Mississippi River. The Petitioner has waived its right to a hearing, and no hearing has been held. On December 15, 1978, the Illinois Environmental Protection Agency ("Agency") filed its Recommendation. The Agency recommended that the Petition for Extension of Variance be granted for a period to run until failure or refusal of the City of Quincy to lease its 36 inch outfall sewer to Petitioner, availability of that sewer to Petitioner, or until July 1, 1979.

The Quincy Soybean Company, which processes soybeans to produce soybean oil and soybean meal, is located at 1900 South Front Street in Quincy, Adams County, Illinois. The Petitioner previously discharged its cooling water and process water into the Mississippi River via drainage ditches and pumping plant owned by the South Quincy Drainage District. The South Quincy Drainage District refused to renew the Company's contract (authorizing this discharge) which expired on December 31, 1976 (due to the District's inadequate pumping capacity). At the present time, there is no evidence that the South Quincy Drainage District would consider renewing its contract with the Quincy Soybean Company. (Agency Recommendation, p. 3).

The variance that the Petitioner received on August 5, 1976 in PCB 76-113 was to terminate on the extension or modification of Quincy's contract to discharge to South Quincy Drainage District, the failure of the City of Quincy to agree to lease its 36 inch

outfall sewer to Petitioner, the availability of the 36 inch sewer to Petitioner, or upon December 31, 1978. The Company has a tentative agreement to lease the City of Quincy's 36 inch outfall sewer to the Mississippi River when that sewer is abandoned by the City. This outfall sewer will be abandoned when the City's new sewage treatment plant becomes fully operational and the outfall sewer is no longer needed for the old sewage treatment plant. The abandonment of the City of Quincy's old sewage treatment plant was originally predicted to occur in July of 1978, but has been repeatedly postponed. It now appears likely that the 36 inch outfall sewer will not become available to the Petitioner until some time in the near future after December 31, 1978. The Petitioner's original variance was granted subject to its completion of a separation of process waste, cooling water and waste from floor drains by April 15, 1977, and its submission of a report to the Agency on the feasibility of phasing its plant shutdowns to avoid fish kills due to thermal shock. The Agency has indicated that the Petitioner has timely complied with these conditions of the Board Order of August 5, 1976. (Agency Recommendation, p. 3). Moreover, the Agency has noted "no instances of environmental harm attributable to the heated discharge." (Agency Recommendation, p.3).

The Agency believes that, in view of the timetable and cost involved in attaining compliance by installing a new sewer line to the Mississippi River; the negligible environmental damage due to the discharge; and the likelihood of compliance being achieved shortly by lease of the City of Quincy's 36 inch outfall sewer, to require the Petitioner to achieve compliance by construction of a new sewer would impose an arbitrary and unreasonable hardship. (Agency Recommendation, p. 3). The cost of installation of a new sewer line from the Petitioner's plant to the Mississippi River was estimated by the Quincy Soybean Company in 1976 to be \$50,000.00 , and would probably be considerably more today. (Agency Recommendation, p. 2).

Accordingly, in light of the minimal environmental impact and countervailing costs of compliance, the Board finds that denial of the requested relief would impose an arbitrary and unreasonable hardship upon the Petitioner. The Petitioner, the Quincy Soybean Company, is hereby granted a variance from the thermal discharge standard of Rule 203(i) of the Board's Water Pollution Regulations to allow the discharge of cooling water into Curtis Creek, approximately 1,500 feet from its confluence from the Mississippi River, at an average rate of 5.5 MGD and an average temperature of 80° F. for a period to run until failure or refusal of the City of Quincy to lease its 36 inch outfall sewer to Petitioner, availability of that sewer to Petitioner, or until July 1, 1979.

The Board will direct the Agency to modify Petitioner's NPDES permit pursuant to Rule 914 of Chapter 3: Water Pollution

Regulations to include interim monitoring and reporting requirements and such effluent limitations as may be reasonably achieved through the application of best practicable operation and maintenance practices in the existing facilities.

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

ORDER

1. The Petitioner, the Quincy Soybean Company, is hereby granted a variance from Rule 203(i) of Chapter 3: Water Pollution Regulations to allow the discharge of cooling water into Curtis Creek, approximately 1,500 feet from its confluence from the Mississippi River, at an average rate of 5.5 MGD and an average temperature of 80° F. for a period to run until failure or refusal of the City of Quincy to lease its 36 inch outfall sewer to Petitioner, availability of that sewer to Petitioner, or until July 1, 1979.

2. Petitioner, within 30 days of the date of this order, shall request Agency modification of NPDES permit to incorporate all conditions of the variance set forth herein.

3. The Agency, pursuant to Rule 914 of Chapter 3: Water Pollution Regulations shall modify NPDES permit consistent with the conditions set forth in this Order including interim monitoring and reporting requirements and such effluent limitations as may reasonably be achieved through the application of best practicable operation and maintenance practices in the existing facilities.

4. Within forty-five (45) 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 forty-five day period herein shall be suspended during judicial review of this variance pursuant to Section 41 of the Illinois Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), \_\_\_\_\_ having  
read the Order of the Pollution Control Board

in PCB 78-281, 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 1<sup>st</sup> day of February, 1979 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board