

ILLINOIS POLLUTION CONTROL BOARD
May 6, 1976

E.W. KNEIP, INC.,)	
an Indiana corporation,)	
)	
Petitioner,)	
)	
v.)	PCB 76-50
)	
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

This matter comes before the Board upon a Petition filed by E.W. Kneip, Incorporated (Kneip) for an extension of a variance granted on August 18, 1975 in PCB 75-171.

Kneip owns and operates a red meat slaughtering and packing plant in Elburn, Kane County, on 280 acres of land. Approximately 400,000 gallons of water are used daily in the slaughtering process, the effluent from the plant being discharged to a spray irrigation system on Kneip's property. The runoff from the system is the focus of the pollution problem in this case.

Kneip has been working with the Agency since 1973 in an effort to develop a control system to end the pollution caused by this runoff. Initially a treatment plant was proposed as a solution, but Kneip soon found that the cost of this plant would exceed the value of their operation at Elburn. Kneip then proposed a pretreatment system with eventual connection to a sewage treatment plant to be built by the City of Elburn with contribution from Kneip. The financial aspects of this solution were enhanced by the fact that Kneip could borrow, over a long period of time, 75% of its contribution to the plant from the Federal government. The Board Order in PCB 75-171 reflected this solution and set a compliance schedule for

construction of the pretreatment plant. In addition, Part (f) of the Board Order in PCB 75-171 stated: "In the event that the Elburn program is not accomplished, Petitioner shall devise and submit an alternate compliance program by January 1, 1976".

It is apparent at this time that Elburn will not have its treatment plant in operation until sometime in 1978. It is also apparent that Kneip will not be able to meet the limitations set by the regulations without the connection to the Elburn STP. On the other hand there is no question that Kneip has followed a reasonable program for compliance in good faith and finds itself in the present position through no fault of its own. By June, 1976, Kneip will have spent almost \$500,000.00 toward compliance with the regulations, and will have completed its pretreatment plant some six months in advance of the date proposed in the Board Order of PCB 75-171. The Board will therefore grant Kneip an extension of its variance from compliance with Section 12 of the Environmental Protection Act and Rules 203, 402, 404, 405, 407, 408, and 903 of Chapter 3 of the Board's Water Regulations, with certain conditions.

Considering the lengthy delay in the construction of the Elburn Treatment Plant, the Board finds that Part (f) of the Board Order in PCB 75-171, supra, should become operable and an interim treatment method should be considered by Kneip. Therefore the Board will condition Kneip's variance upon their investigation of such interim method, including but not limited to an aerated lagoon designed to reduce BOD from the pretreatment facility effluent. Kneip shall investigate a contingent alternate compliance program and shall report their results to the Agency within 45 days of the date of this Order. The Board shall retain jurisdiction in this matter for the purpose of determining whether a reasonable alternative compliance program is possible, should the Agency and Kneip fail to reach agreement on the matter.

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

ORDER

It is the Order of the Pollution Control Board that E.W. Kneip Incorporated be granted variance from compliance with Section 12 of the Environmental Protection Act and Rules 203, 402, 404, 405, 407, 408, and 903 of Chapter 3 of the Board's Water Regulations for its

facility in Elburn, Kane County, Illinois until April 1, 1977 under the following conditions:

1. Kneip shall complete construction of their pretreatment system by July 1, 1976.
2. Kneip shall not increase the strength or quantity of wastewaters discharged.
3. Kneip shall continue to maintain and increase operational efficiency of their wastewater systems.
4. Kneip shall make timely submittal of any information concerning the Elburn sewage system upgrading program and shall take any measure possible to expedite that program.
5. Within 45 days of the date of this Order Kneip shall submit to the Agency results of an investigation into the possibility of an interim compliance program which will include but not be limited to the construction of an aerated lagoon designed to reduce BOD from the effluent from their pretreatment facility.
6. The Board shall retain jurisdiction in this matter for the purpose of determining whether a reasonable interim compliance program is possible should Kneip and the Agency fail to reach agreement upon the issue.
7. Kneip shall within 28 days after the date of this Board Order herein, execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, and to the Pollution Control Board a Certification of Acceptance and agreement to be bound by all terms and conditions of the variance.

CERTIFICATION

The E.W. Kneip Company, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 75-171, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6th day of May, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board