ILLINOIS POLLUTION CONTROL BOARD

March 28, 1974

Holland Ice C	RY, A Division Of ceam And Custard))	
Company,	Petitioner,)	
v.)))	PCB 74-45
ENVIROUMENTAL	PROTECTION AGENCY Respondent,) ,)	

Ervin Caldemeyer, Vice President and Treasurer, on behalf of Petitioner; John H. Rein, Attorney, on behalf of Environmental Protection Agency.

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

The Petitioner, Holland Ice Cream and Custard Company (now Holland Dairies, Inc.) owns substantially all of the outstanding common stock of Wareham's Dairy, Inc., which processes dairy products near Taylorville, Illinois. On January 25, 1974, the Illinois Pollution Control Board (hereinafter Board) received a petition for variance in which the Petitioner seeks an extension of time to comply with the Board's Order in Environmental Protection Agency v. Holland Ice Cream and Custard Company, PCB 71-319 (March 29, 1973), and, more specifically, seeks an extension of time to complete corrections to its spray irrigation treatment system at its Wareham Dairy plant adjacent to Taylorville, Illinois.

Prior to February 3, 1972, wastes from Petitioner's Wareham Dairy plant were discharged into a holding tank and then to extended aeration and settling tanks in which oxidation and settling occurred. Due to the inadequacies of this system of treating Petitioner's wastes, the Board found on February 3, 1972, that Petitioner was in violation of Section 12(a) of the Illinois Environmental Protection Act (Act) and portions of Sanitary Water Board Rules and Regulations Number Six (SWB-6) for failing to meet color and turbidity standards and for failing to operate its treatment facilities at design efficiency. Paragraph 3 of the Board's Order stated that "Holland shall submit to the Board and to the Agency a firm program for achieving compliance with all applicable regulations respecting its discharge of liquid wastes. Such a program shall provide for compliance in the shortest practicable time." After considerable delay and repeated interchange with the Environmental Protection Agency (hereinafter Agency) during the next year, a program was developed to construct an irrigation field of six 1.5-acre plots designed to be used separately on a six-day rotating basis. The

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average design flow is 30,000 gallons per day, utilizing pumps designed to pump 125 gallons per minute with nozzels, each disbursing 62.5 gallons per minute at 80 pounds pressure to the farthest point in the irrigation field.

After the compliance program was developed by Petitioner in consultation with the Agency, the Board ordered on March 29, 1973, (PCB 71-319) Petitioner to comply with the following timetable:

"Date by which contracts

are to be awarded 30 days after Agency permit for installation of the system is issued.

Start of construction . . . 15 days after contracts are awarded.

Completion of con-

struction 4 months after construction is started.

Start of full operation . . l week after construction is completed."

Subsequent events which relate to the present petition for variance are summarized below from the Agency's Recommendation that was received by the Board on March 5, 1974. The Agency issued to Petitioner on May 25, 1973, permit #1973-EA-1055 for construction and operation of a spray irrigation facility to control water pollution, and approved his Project Completion Schedule, Certificate #1973-194-PCS, on August 20, 1973. The spray irrigation facility started operation on November 16, 1973, but the submersible pumps did not operate at required design pressure and a water problem developed in one spray field because of a broken drain tile. During late December, 1973, and early January, 1974, further difficulties were encountered, including flooding of five of the six spray irrigation fields and freezing of the spray irrigation facility, which resulted in pollution of the Flat Branch of the South Fork Sangamon River. On January 9, 1974, Petitioner diverted its plant wastes back to its extended aeration basin to abate further pollutional discharges until the spray irrigation facility could be rehabilitated. On January 15, 1974, Petitioner notified its Agency by letter of "the following steps being taken to rectify the problems with its spray irrigation system:

- (a) The contractor will repair and/or replace, if necessary, the automatic control valve on January 14, 1974, and have it back in operation by January 18, 1974.
- (b) Only those irrigation fields not covered by water will be used.
- (c) The existing levee will be raised three feet.

- (d) The field tile causing infiltration into the field will be located and its flow diverted around the field.
- (e) Reseed in the Spring, if necessary, to obtain grass cover."

The Petitioner stated that the new spray irrigation facilities cost approximately \$75,000 to January 25, 1974, when this petition for variance was filed.

The Agency believes that Petitioner's plan to temporarily divert its plant wastes back to the previously abandoned extended aeration treatment system is the "most logical and practical short-term approach" (even though the effluent produced is not entirely satisfactory), while Petitioner's spray irrigation system is promptly rehabilitated to fully meet applicable standards.

"The Agency believes that Petitioner's requested variance would not have a prolonged adverse environmental impact on the receiving stream." However, they stated that care should be taken to avoid a possible odor nuisance problem during warm weather by lime application or other alternatives.

The Agency believes that Petitioner (a) "has acted diligently in attempting to comply with the Board's past Orders and the applicable Rules and Regulations" and (b) "has and will continue to act diligently in solving its present problems with its spray irrigation system." The Agency recommended that this petition for variance be granted, with a timetable suggested by Petitioner, but with certain conditions, including a maximum time limit of September 30, 1974, for completion. The Board concurs in this approach, and the following Order is written accordingly.

ORDER

The Illinois Pollution Control Board hereby grants
Petitioner a variance from Section 12(a) of the Environmental
Protection Act to rehabilitate its spray irrigation treatment
system according to the following time schedule and subject to
the other conditions specified below:

- (1) Petitioner shall take any and all measures which would assure completion of improvements in its spray irrigation treatment system by the earliest practicable date, but no later than September 30, 1974, with the following progress datelines:

65 days, if possible, after this petition for variance was submitted by Petitioner, but not later than April 15, 1974.

- (b) Completion of construction and start of full operation of rehabilitated system . . . 120 days after approval by Agency.
- (2) In the operation of its extended aeration system during the interim period, Petitioner shall undertake all measures necessary to minimize environmental harm, including the application of lime or other feasible alternatives to prevent the occurrence of an odor nuisance during the summer months.

Christan L. Moffett. Clerk