

ILLINOIS POLLUTION CONTROL BOARD  
April 21, 1988

IBP, INC., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 88-72  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon the April 20, 1988, Agency recommendation filed by Respondent, Illinois Environmental Protection Agency (IEPA). On April 14, 1988, Petitioner filed its Petition For Provisional Variance, seeking provisional variance from the effluent limitations contained in its current NPDES permit and from 35 Ill. Adm. Code 309.141, 309.142 and 309.143.

Petitioner owns and operates a beef slaughter and processing plant, near Joslin, Rock Island County, Illinois. As part of its beef processing plant Petitioner owns and operates wastewater treatment facilities under NPDES Permit No. IL0003913, which was issued on February 26, 1985 and subsequently modified on September 12, 1986.

Respondent, IEPA has found that compliance with 35 Ill. Adm. Code Sections 309.141, 309.142 and 309.143 and NPDES Permit No. IL0003913 would impose an arbitrary or unreasonable hardship on Petitioner and recommends that Petitioner be granted the requested provisional variance subject to the conditions set forth below.

The Board hereby grants Petitioner the requested variance subject to the conditions set forth below:

1. The variance shall commence on April 18, 1988 and continue for 45 days or until the Petitioner's draft NPDES Permit becomes effective whichever occurs first.
2. During the period of this variance, the effluent discharged shall be limited to the proposed changes in the April 1, 1988 draft NPDES Permit as identified below. All other limitations in the current NPDES Permit shall be applicable:

<u>Outfall</u>	<u>Active Permit</u>	<u>Draft Permit</u>
001	no chromium limit	concentration limit of 1.0 mg/l 30 day avg. for chromium
002	no chromium limit	concentration limit of 1.0 mg/l 30 day avg. for chromium
*001 & 002 or 003	<u>Load Limits lbs/day</u> 30 day avg-	<u>Load Limits lbs/day</u> 30 day avg-
*Note-same outfall name change.	BOD <sub>5</sub> - 529	724
	TSS - 630	915
	Oil & Grease - 202	284.5
	Chromium - no limit	4.5
	Ammonia Nitrogen - no limit	2700 Daily Max.

3. Petitioner shall sample and perform laboratory analyses as required in the April 1, 1988 draft NPDES Permit IL0003913.
4. Petitioner shall operate and maintain the wastewater treatment facility so as to produce the best effluent practicable.
5. Within ten (10) days of the date of this Order, the Petitioner shall execute a Certificate of Acceptance and Agreement agreeing to be bound by the terms and conditions of this variance which shall be sent to:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assurance Section  
2200 Churchill Road, P.O. Box 19276  
Springfield, Il 62794-9276

ATTN: Mark T. Books

This variance shall be void if Peitioner fails to execute and forward the certificate within the ten day period. The tend day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

#### CERTIFICATION

I, (We), IBP, Inc., having read the Order of the Illinois Pollution Control Board, in PCB 88-72, dated April 21, 1988,

understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch. 111 1/2 par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 21<sup>st</sup> day of April, 1988 by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board