

ILLINOIS POLLUTION CONTROL BOARD  
June 21, 1973

DUQUOIN PACKING COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 73-128
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

Petitioner, DuQuoin Packing Company, a meat packer, is located in DuQuoin, County of Perry, Illinois. Petitioner seeks a variance from compliance dates set forth in a Project Completion Schedule (PCS) submitted by Petitioner and approved by the Agency. Petitioner also seeks a variance from the expiration date of its Agency-approved Construction Permit for improvements to their existing treatment facilities. The specific modifications in the PCS (Certification #1973-38-PCS) which Petitioner requests are as follows:

<u>Dates when the following are to be completed:</u>	<u>Currently Applicable Program</u>	<u>Modifications Sought</u>
Financing Arranged	No financing to be arranged	May 1, 1974
Contracts Awarded	September 1, 1972	May 15, 1974
Start of Construction	September 11, 1972	May 30, 1974
Completion of Construction	June 11, 1973	December 15, 1974
Start of Full Operation	June 30, 1973	December 31, 1974
<u>Expiration of Construction Permit (#1972-EB-1003)</u>	August 14, 1973	August 14, 1974

Thus, Petitioner seeks to delay the start of full operation of its new treatment facilities from June 30, 1973 to December 31, 1974, a period of eighteen (18) months.

The DuQuoin Packing Company is a full line meat packer engaged in butchering and processing hogs and cattle. Employment at present is 331; prior to a 5-1/2 month strike which began in September, 1971, employment had been as high as 475. Total employee economic impact is about \$3,500,000 per year in a community of about 7,000 population.

Wastewater generated by Petitioner's meat packing operations is jointly treated by an existing lagoon-spray irrigation system owned and operated by Petitioner and by the City of DuQuoin sewage treatment plant. The relative proportion of wastewater treated by Petitioner's system in relationship to that discharged into the City's system is allegedly a function of the moisture content of the receiving soil in Petitioner's system.

The Agency has determined that the City sewage treatment facility, a trickling filter plant, is hydraulically and organically overloaded. Unchlorinated plant effluent is discharged to Reese Creek, an intermittent stream. Recent Agency sampling and flow measurements from the City's Monthly Operation Reports indicate that the plant effluent is not in compliance with Rules 404(b) and 405.

On September 11, 1970, the Agency notified the City of DuQuoin that future installation of sanitary sewer extensions would be prohibited until adequate wastewater treatment is provided. To date, this sewer ban is still in effect. On April 3, 1973, the Agency issued Construction Permit #1974-AB-655, for proposed upgrading of the City's facility. The application for permit, received by the Agency on March 15, 1973, indicated that domestic waste would comprise 100% of future plant loading. Consequently, the proposed upgraded facilities have not been designed to accommodate the waste load presently being generated by the Petitioner.

The Agency's surveillance Section has reported that poor effluent quality and raw sewage bypassing at the City treatment facility caused obvious degradation of Reese Creek. A May 30, 1973 memo from the Big Muddy Sub-Unit Surveillance Section indicated that deterioration of Reese Creek was evidence over a 6-mile stretch below the treatment plant outfall. The Agency has noted that the Petitioner's effluent is a prime factor contributing to the City's poor quality effluent.

Petitioner indicates that it hired a professional engineer with experience in the treatment of meat packing wastewater in 1971 and that thereafter conferences were held with City and Agency officials in an attempt to solve its problems. Construction plans and specifications for a "closed cycle lagoon - no discharge - spray irrigation system" were submitted by Petitioner to the Agency on May 25, 1972. After some modification and supplementation, the Agency issued a Construction Permit (#1972-EB-1003) on August 4, 1972. Petitioner also filed its PCS with the Agency on July 26, 1972. Relevant compliance dates have been set out above. The Agency approved Petitioner's PCS on January 31, 1973.

Petitioner alleges that on September 15, 1971, its bargaining unit employees went out on strike demanding wage increases and benefits in excess of federal guidelines. Petitioner further alleges that this strike did not end until February 25, 1972. It is Petitioner's contention that the aforementioned strike is the cause of its problems regarding the financing of its proposed treatment facility. Allegedly, Petitioner's earnings for 1972 (because of the strike) were nil, and its lender will not allow additional borrowing until adequate earnings are demonstrated. Also, Petitioner claims that funds cannot be borrowed from other lenders (SBA, Industrial Revenue Bonds, banks, private lenders) until a present debt is retired. Petitioner approximates that the cost of the proposed facilities would amount to \$240,000. Petitioner believes that an adequate earnings level will be re-established during 1973 and that the necessary funds could then be borrowed by May 1, 1974.

Petitioner alleges that a denial of its request and requiring it to adhere to its original schedule would constitute an arbitrary and unreasonable hardship since adherence to the original schedule when funds cannot be borrowed would reduce working capital and endanger Petitioner's ability to do business.

To date, Petitioner has invested toward the completion of the proposed facility approximately \$41,000 for professional services, engineering, soil testing, topographical mapping and site preparation.

While we do not feel that Petitioner has exercised the diligence or foresight that it might have, this Board is disposed to grant a one year extension of the operation date of the proposed facility. Under these particular circumstances, we believe that the hardship to Petitioner, its employees and the local economy justify such an extension. However, we caution Petitioner that the harm it is causing shall not be permitted indefinitely.

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

IT IS THE ORDER of the Pollution Control Board that:

1. Petitioner, DuQuoin Packing Company, is hereby granted permission to amend DuQuoin PCS, Log #PCS 703-72, Certificate #1973-38-PCS, Section 13, Part D to reflect a one year extension to the following progress dates:

- (a) Financing Arranged
- (b) Contracts Awarded
- (c) Start of Construction
- (d) Completion of Construction
- (e) Start of Full Operation.

2. That Petitioner is granted an extension of the expiration date on DuQuoin Packing Company - (DuQuoin) - Improvement to Existing Waste Treatment Facilities, Log #1314-72, Permit #1972-EB-1003, issued August 14, 1972, from August 14, 1973 to June 21, 1974, subject to further extension to August 14, 1974.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 21<sup>st</sup> day of June, 1973, by a vote of 4 to 0.

Christan L. Moffett