

ILLINOIS POLLUTION CONTROL BOARD
April 27, 1989

MIDWEST GRAIN PRODUCTS OF)
ILLINOIS,)
(TAZEWELL COUNTY),)
)
Petitioner,)
)
v.) PCB 89-73
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

This matter comes before the Board upon a recommendation filed by the Illinois Environmental Protection Agency ("Agency") on April 25, 1989, recommending that the Board grant a 45-day provisional variance to Midwest Grain Products of Illinois ("Midwest"). Midwest requests this provisional variance from 35 Ill. Adm. Code 304.120(b) as it pertains to five day biochemical oxygen demand ("BOD") and total suspended solids *("TSS") in order to repair a liner in one of its aeration basins.

As a producer of wheat gluten, beverage alcohol, fuel grade alcohol, liquified carbon dioxide and animal feeds, Midwest employs approximately 150 people.

According to the Agency, Sanitary wastewater from Midwest's facility is discharged to the City of Pekin for treatment. Process wastewater is generated primarily from the distilling and feed operations. Wastewater from the gluten process, which contains starch, is used in the distilling process. Process wastewater, consisting of evaporator condensate, pump seal water, wash water and other miscellaneous streams, is treated in the company's wastewater treatment plant.

The Agency states that Midwest's process wastewaters are treated using an activated sludge plant, which is designed to handle a flow of 0.5 MDG and 5000 pounds BOD per day. Anhydrous ammonia and phosphoric acid are added for nutrients. Wastewater is pumped, measured and split between two aeration basins. The aeration basins are earthen structures with hypalon liners. One basin has a volume of 0.5 MG and the other 1.0 MG. Aeration and mixing is accomplished using floating mechanical aerators. There are two rectangular clarifiers equipped with travelling bridge

suction draw-off sludge collectors. Chlorine is added to the clarified effluent for disinfection.

Midwest seeks variance from the NPDES Permit concentration limit for Outfall 001, which is the combined treatment plant effluent and barometric cooling water discharge. This variance is being sought by Midwest because the hypalon liner in the larger of the two aeration tanks has developed a large tear and is floating in the aeration tank. Midwest is going to drain this tank and line the entire aeration tank with concrete.

The Agency states that denial of this variance would result in an arbitrary and unreasonable hardship. According to the Agency, no other viable alternative, short of shutting the entire operation down for 45 days, appears possible to allow Midwest to make the necessary repairs on the aeration tank. Continuing to operate the aeration tank in its current condition will result in additional damage requiring the down time to be extended.

The Agency maintains that it is not aware of any federal regulations which would preclude the granting of this variance for concentration limitations. The load (quantity) limitations provided in Midwest's NPDES permit are based upon federal regulations and cannot be increased. However, the Agency states that it was informed in a phone conversation with David Sanborn from Midwest Grain Products on April 18, 1989, that a variance from the load limitations is not being requested nor is it needed. Mr. Sanborn stated that the load limitations in the NPDES permit should not be exceeded while repairs are being made.

The Agency states that it does not believe that there will be any adverse impacts on any downstream public water supplies because of the dilution factor of Midwest's discharge into the Illinois River (petition states the concentration in the river will increase only 0.24 mg/l for BOD and 0.12 mg/l for TSS). Moreover, Midwest predicts the quantity limitations of its NPDES permit will not be exceeded. The Agency recommends that Midwest be granted a provisional variance, subject to certain conditions.

The Board having received notification from the Agency that compliance on a short term basis with the effluent limitations impose by 35 Ill. Adm. Code 304.120(b) (as it relates to BOD and TSS) would impose an arbitrary or unreasonable hardship upon Midwest, and the Board concurring in that notification, will grant Midwest's provisional variance, subject to conditions suggested by the Agency.

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

ORDER

1. Midwest Grain Products of Illinois ("Midwest") is hereby granted provisional variance from 35 Ill. Adm. Code 304.120(b), as it relates to BOD and TSS, subject to the following conditions:

- a. Variance shall commence on the day the aeration tank is taken out of service and shall terminate when the aeration tank returns to its normal mode of operation or within forty-five day (45) days, whichever occurs first.
- b. During the term of this variance, the effluent (combined flow from 001 to 002) shall be limited to:

<u>Parameter</u>	<u>Monthly Avg</u>	<u>Daily Max</u>
BOD mg/l	150	300
TSS mg/l	75	150

- c. The quantity (load) limitations provided in Midwest's NPDES permit shall remain unchanged and remain in effect.
- d. Midwest shall notify the Agency's Peoria Regional Office by telephone within twenty-four (24) hours when the aeration tank is returned to its normal mode of operation. Written confirmation shall be submitted within 5 days to the following address:

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

- e. During the term of this provisional variance, Midwest shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, Midwest shall return its aeration tank into service as soon as possible.
 - f. During this provisional variance, Midwest shall monitor the effluent for all parameters as listed in its NPDES permit.
2. Midwest shall, within ten (10) days of the date of the Order, execute a Certificate of Acceptance and Agreement agreeing to

be bound to all the terms and conditions of the variance and send to the address above.

This variance shall be void if Petitioner fails to execute and forward the certificate within forty-five day period. The forty-five 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), Midwest Grain Products of Illinois, having read the Order of the Illinois Pollution Control Board, in PCB 89-73, dated April 27, 1989, 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. 1987 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 27th day of April, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board