

ILLINOIS POLLUTION CONTROL BOARD  
May 19, 1983

GILT EDGE FARMS, INC., )  
et al., )  
 )  
Petitioners, )  
 )  
v. )  
 ) PCB 82-150  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

MR. JOHN B. WHITON, SNOW, WHITON, SCHROEDER AND FISHBURN, LTD.,  
APPEARED ON BEHALF OF PETITIONERS;

MR. STEPHEN GROSSMARK, ASSISTANT ATTORNEY GENERAL, APPEARED ON  
BEHALF OF RESPONDENT.

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

This matter comes before the Board upon a petition for extension of a variance filed by Gilt Edge Farms, Inc., (GE) a Delaware corporation, Hunter Barney and Lance Barney. The petition requests continuation of a variance from Rule 102 of Chapter 2: Air Pollution and Section 9(a) of the Environmental Protection Act (Act) as they apply to a hog operation near Dakota, Stephenson County. On January 27, 1983 the Illinois Environmental Protection Agency (Agency) recommended that the variance be denied. The Board has received several written objections from the public. A public hearing was held at Dakota on March 29, 1983. Members of the public attended but did not testify or comment. Hunter and Lance Barney will be dismissed as petitioners.

The variance, which expired on December 31, 1982, was granted in PCB 81-85 (45 PCB 29 and 529, January 7 and March 19, 1982; 48 PCB 141, September 15, 1982). A related enforcement action was decided on the basis of a stipulation (PCB 82-85, December 2, 1982). The Order in the enforcement action provided for a monetary penalty only, recognizing that the compliance plan had already been dealt with in the variance.

Pursuant to petitioner's request, the entire record in PCB 81-85 has been incorporated by reference (R. 4). The Opinion and Order of January 7 and March 19, 1982 provide a detailed description of the operation which is incorporated into this Opinion by reference.

The basic dispute in PCB 81-85 was whether to require GE to establish aerobic conditions in its lagoons, or to allow it to attempt odor control with "Micro-aid", a feed additive which is supposed to eliminate odors from anaerobic pits and lagoons. The Board granted GE a one-year variance conditioned in part on use of the Micro-aid.

It appears that the odor was not so severe in 1982 as it was in the past; indeed, the Agency recommends denial of the variance for lack of necessity. However, there is some question as to whether the improvement was caused by the Micro-aid, or by the cool weather and reduced animal population. The Board finds that there is still sufficient odor potential to support the necessity for a variance.

GE has generally complied with the conditions of the March 19 Order, as amended on September 15, 1982, although the Agency finds reasons to criticize the compliance. GE has not been able to skim the solid materials off the lagoon surface, although it has installed screens in some of the pits to prevent solids from entering the lagoons. GE has taken weekly BOD samples but has not kept them refrigerated while in transit to the laboratory, and has taken up to three weeks to get the samples to the laboratory. GE has not utilized the data collected to prepare a report evaluating the sufficiency of the lagoons at the hydraulic and organic loading indicated by the samples. GE has reported to the Agency on its progress, but has failed to suggest further steps which could be taken to reduce odors. GE correctly notes that none of these actions were specifically required by the Order.

The Board finds that GE has made satisfactory progress toward full compliance and will extend the variance. GE has asked the Board to extend the variance to end after one calendar year.

The Board is giving the anaerobic system a second year's trial. It is still unproven and continues to represent a radical departure from generally accepted wastewater treatment practices. If problems continue through this year, GE should employ a professional engineer to evaluate the lagoon loadings and design a system which will provide satisfactory wastewater handling.

The Board has modified the sampling conditions. GE will be required to take weekly flow readings, but will only be required to perform biochemical oxygen demand sampling of the flow from the pits once per month. GE will be required to take normal steps to get the samples to the laboratory in good condition.

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

ORDER

Petitioner, Gilt Edge Farms, Inc., is granted a variance from Section 9(a) of the Environmental Protection Act and Rule 102 of Chapter 2: Air Pollution, subject to the following conditions:

1. This variance will expire December 31, 1983.
2. This variance will apply only to animal wastes at Petitioner's hog facility situated in Section 10, T27N, R8E of the 4th PM, Stephenson County.
3. Petitioner shall observe its lagoons daily and remove any floating material capable of removal by skimming within 72 hours after its first appearance, or as soon thereafter as weather conditions permit skimming.
4. Petitioner shall pump solids from pits below buildings in order to prevent excess solids carryover into the lagoons, and in any event no less often than the following schedule:
  - a. High volume pits - twice per year
  - b. Low volume pits - annually.
5. Petitioner shall use an odor-reducing additive in pits, lagoons and animal feed according to product directions.
6. Petitioner shall not cause or allow violation of any applicable provisions of Chapter 7 or 9.
7. Petitioner shall estimate and record the flow to the lagoon system once each week.
8. Once each month, Petitioner shall sample for five-day biochemical oxygen demand the flow from the pits to the lagoons. Samples shall be refrigerated immediately and kept cold until delivered to a laboratory, which must be within 48 hours after the sample is taken.
9. Petitioner shall make a record of activities performed pursuant to this Order, including a description of measurement methods, and submit such record to the Illinois Environmental Protection Agency on or before the tenth business day of each month.

- 10. On or before October 1, 1983 Petitioner shall report to the Illinois Environmental Protection Agency concerning the success of its odor reduction program. This report shall list further odor reduction methods which could be implemented at the subject site.
- 11. All requirements of this Order shall be conducted pursuant to good engineering practice.
- 12. Hunter Barney and Lance Barney are dismissed as petitioners.
- 13. Within 45 days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We,) \_\_\_\_\_, having read and fully understanding the Order in PCB 82-150, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 DATE \_\_\_\_\_

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 19<sup>th</sup> day of May, 1983 by a vote of 4-0.

Christan L. Moffett  
 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board