

ILLINOIS POLLUTION CONTROL BOARD  
March 19, 1982

GILT EDGE FARMS, INC.,            )  
                                  )  
                          Petitioner,    )  
                                  )  
                  V.                    )        PCB 81-85  
                                  )  
ILLINOIS ENVIRONMENTAL            )  
PROTECTION AGENCY,                )  
                                  )  
                          Respondent.    )

ORDER OF THE BOARD (by D. Anderson):

On January 7, 1982 the Board entered an Opinion and Order granting Gilt Edge Farms, Inc. (GE) a variance from the Illinois Environmental Protection Act (Act) and Board rules relating to odor. On February 5, 1982 GE requested that the Board modify the condition relating to skimming of floating debris from lagoons. The Illinois Environmental Protection Agency (Agency) filed a response in opposition on February 9, 1982.

GE requests modification of the condition which requires weekly skimming of floating materials from lagoon surfaces. GE has pointed out that it is impossible to do this when the lagoons are frozen, that it is wasteful to skim if nothing is floating and that there is a question as to whether the "ashlike condition" must be skimmed. With respect to this last, the Board intends it to be removed if it can be removed by skimming.

Condition 3 of the January 7, 1982 Order will be modified to read as follows:

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.

On February 9, 1982 the Agency filed a motion for modification which requested the addition to the variance of five conditions lettered (a) through (e). On February 18, 1982 GE filed a response in opposition to proposed conditions a, b and d. On that same date the Agency filed a reply which was

not accompanied by a motion for leave to reply [Procedural Rule 308(c); R80-18, 5 Ill. Reg. 14,148, effective December 3, 1981]. The Reply is stricken.

The additional conditions which are not disputed by GE will be incorporated into the Order. Pursuant to requested condition (c), Condition 9 will be modified to read as follows:

9. On or before September 1, 1982 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.

Pursuant to requested condition (e), Condition 10 will be inserted. It will read as follows:

10. All requirements of this Order shall be conducted pursuant to good engineering practice.

The conditions which the Agency requests and to which GE objects are as follows:

- a. The Petitioner shall provide proper hydraulic and anaerobic loading of the lagoons at the subject site;
- b. The Petitioner shall monitor and record flow to, and BOD<sub>5</sub> loading of, the lagoons every three hours for 14 days and twice a week thereafter;
- d. The Petitioner shall make a record of activities performed pursuant to this Order including description of measurement methods and submit such record to the Illinois Environmental Protection Agency on or before the fifth business day of each month;

Proposed condition (a) will not be included because of uncertainty as to what the proper hydraulic and anaerobic loading of the system is. However, in order to determine the proper loading, the Board will order additional monitoring similar to that requested in paragraphs (b) and (d). This will be set forth in Conditions 7 and 8 of the Order.

The Order of January 7, 1982 is withdrawn and the following Order substituted:

ORDER

Petitioner, Gilt Edge Farms, Inc., is granted a variance

from Section 9(a) of the Environmental Protection Act (Act) and Rule 102 of Chapter 2: Air Pollution, subject to the following conditions:

1. This variance will expire December 31, 1982.
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. This variance will not apply to odors from: Petitioner's remote storage lagoon described in the Opinion; lagoon 3; holding ponds 8 and 9; disposal of cheese whey; or land application of hog wastes.
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 violations of any applicable provisions of Chapter 7 or 9.
7. Petitioner shall weekly estimate and record the flow to, and monitor and record BOD<sub>5</sub> loading of, each lagoon.
8. 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 fifth business day of each month;
9. On or before September 1, 1982 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.

10. All requirements of this Order shall be conducted pursuant to good engineering practice.
11. Within forty-five 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 81-85, hereby accept that Order and agree to be bound by all of its terms and conditions.

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

IT IS SO ORDERED.

Mr. Goodman concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19<sup>th</sup> day of March, 1982 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board