

ILLINOIS POLLUTION CONTROL BOARD
September 29, 1977

ILLINI BEEF PACKERS, INC.,)
)
) Petitioner,)
)
)
) v.) PCB 76-117
)
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

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

On April 27, 1976 Illini Beef Packer, Incorporated (Illini) filed a Petition before the Board requesting variance from Sections 9(a) and 9(b) of the Environmental Protection Act (Act) and from Rules 102 and 103(b) of Chapter 2, Illinois Pollution Control Board Rules and Regulations (Regulations), for its beef packing plant in rural Rock Island County, about one-half mile from the Village of Joslin.

Subsequent to the filing of the Illinois Environmental Protection Agency's (Agency) Recommendation and prior to a hearing herein, the parties filed a Stipulation for Grant of Variance, and Petitioner filed a Motion for Grant of Variance Without Hearing. The Board finds that a Stipulation is not an appropriate method of determining a variance petition as the Board construes its duty under the Environmental Protection Act (Act). The Act calls for a response from the Agency to a variance petition and, if necessary, a hearing to develop sufficient facts for the Board to make an intelligent decision on the petition. A stipulation presents only certain facts designed to support an agreed common position of the parties. This denies the Board's duty to consider all of the facts and restricts the Board from determining conditions under which the variance is granted. The Board therefore rejects the stipulation and denies Petitioner's Motion for Grant of Variance without Hearing. However,

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the Board finds the information presented by the parties (excluding the proposed stipulation) constitutes a sufficient basis for grant of the proposed variance.

Illini owns and operates a beef packing plant near the Village of Joslin in Rock Island County. Under a prior Board Order, Illini installed a scrubber system at its facility to eliminate the odors common to its type of operation. Upon application for renewal of an operating permit which had expired February 21, 1975, the Agency denied the application stating that the rendering room at the facility may be causing air pollution in violation of Section 9(a) of the Act and Rule 102 of the Regulations. Denial was based upon complaints of some residents of the nearby town of Village of Joslin.

In order for the scrubber to work effectively, openings in the rendering room have to be closed and the room kept under negative pressure. Current operations, however, call for one door to be opened when cooler air is needed for the comfort of employees in the rendering room. Review of the Agency investigation of citizen complaints indicates that odor is detected under specific temperature and wind conditions, indicating that the open door is causing the intermittent odor problems.

Illini proposes to make certain structural changes which will result in closing of the door of the rendering room and thereby eliminating a threat of air pollution. This system will bring makeup air into the rendering room under controlled conditions and keep the room under negative pressure to assure that all rendering room air will pass through the scrubber. The Agency agrees that the proposed system is likely to succeed in controlling the emissions sufficiently to stop any further violations of the Act and Regulations and recommends grant of the variance under certain conditions. The Board finds that Illini has made good faith efforts in the past to control the emissions from its facility and is prepared to install equipment which will control the intermittent odor violations alleged by the Agency. The Board finds that it would be an arbitrary and unreasonable hardship on Illini to deny the variance which would allow installation of this control equipment. The Board will therefore grant Illini variance from Rule 102 of the Regulations and 9(A) of the Act, consistent with this opinion, from February 21, 1975 until November 1, 1977 under certain conditions. Request of Variance from Rule 103(b) of the Regulations and 9(b) of the Act is denied as unnecessary.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

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ORDER

It is the Order of the Pollution Control Board that Illini Beef Packers, Incorporated, be granted variance from Rule 102 of Chapter 2, Illinois Pollution Control Board Rules and Regulations and 9(a) of the Environmental Protection Act from February 21, 1975 until November 1, 1977 for its rendering facility in Rock Island County under the following conditions:

1. Illini shall execute their compliance program as indicated in paragraph (5) and Exhibits A and B of their April 27, 1976 Petition for Variance which Petition is hereby incorporated by reference as if fully set forth herein.
2. All openings which would impede the maintenance of a negative pressure in the rendering room shall be closed in a permanent fashion except those needed for intermittent access.
3. Tests shall be made c. the effectiveness of the equipment installed and results of these tests shall be presented to the Agency immediately as they become available.
4. Illini shall pursue a program of maintenance and housekeeping designed to eliminate odor emissions from the facility.
5. Within 35 days of the adoption of this Order, Illini Beef Packers, Incorporated, shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Illinois Pollution Control Board a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 76-117 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

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6. Petition for Variance from Section 9(b) of the Environmental Protection Act and Rule 103(b) of the Regulations is hereby deni

Mr. Young concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 29th day of September, 1977 by a vote of 4-0.

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

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