

ILLINOIS POLLUTION CONTROL BOARD
December 17, 1987

JEFFERSON SMURFIT CORPORATION,)
)
 Petitioner,)
)
 v.)
)
ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 87-200

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

This matter comes before the Board upon a December 16, 1987 provisional variance recommendation filed by the Illinois Environmental Protection Agency (Agency). The Agency recommends that because of an arbitrary and unreasonable hardship the Jefferson Smurfit Corporation (Smurfit) be granted a 5 day provisional variance subject to certain conditions to allow the Army Corps of Engineers to complete the relocation of Smurfit's effluent line as a part of the construction of new Lock and Dam No. 26.

Smurfit owns and operates a paperboard mill which manufactures corrugated containers from recycled materials. The mill is located on a 107-acre site in Alton, Illinois. The mill is near the Mississippi River with its normal outfall (001) located at about River Mile 201. The waste treatment facilities serving the mill consist of a complete mix activated sludge system and filters.

The U.S. Army Corps of Engineers is engaged in a construction project entitled "Alton Pump Station Relocation", an integral part of the Lock and Dam #26 construction. As part of this project, the Corps must make further alterations on Smurfit's effluent line. The Corps originally believed that only one alteration of the effluent line was needed; it is now apparent that another alteration is necessary.

On October 9, 1986, the Board granted Smurfit a variance in PCB 86-71 from 35 Ill. Adm. Code 304.141, Terms and Conditions of NPDES Permits, and 35 Ill. Adm. Code 304.120, Deoxygenating Wastes. The variance was granted for "45 days or upon completion of the Corp's construction work, whichever occurs first". The variance was to commence on the date that the Petitioner's discharge was actually diverted. The construction work began October 28, 1987 and lasted only about 8 hours, which gave the Corps until December 13, 1987 to complete the work (45 days).

Smurfit stated "that due to inclement weather and also the need to relocate two sections of line rather than one" the work could not be completed by December 13, 1987.

Smurfit has stated that the total discharge time of effluent into the ditch from the original section of relocated line was less than eight hours. Smurfit also stated that the amount of time needed to relocate the next section of line will "take an equally short period of time providing that the weather cooperates".

The Agency feels that the alternatives that Smurfit has presented before the Board previously for the PCB 86-71 variance still persist. However, because of an unreasonable and arbitrary hardship that the options would put on Smurfit, the Agency believes that Smurfit has chosen the best alternative of temporary diversion of its final effluent.

The Agency believes that the environmental impact of this variance extension will be minimal due to the short duration of the time needed to relocate the effluent lines and the continued high level of treatment provided during the construction work.

Smurfit has requested that the prior variance be extended 30 days in order to give time to complete the relocation work. Smurfit has stated that the repair work will proceed as soon as weather conditions are favorable.

There are no Federal regulations which would preclude the granting of this variance.

The Agency believes that a 30 day extension is not necessary. The Agency recommends that the requested relief be limited to 5 days due to the short period of time needed to complete the work. The Agency recommends that the Board grant the provisional variance subject to the conditions incorporated into the Board's Order.

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

ORDER

Jefferson Smurfit Corporation (Smurfit) is hereby granted a provisional variance from 35 Ill. Adm. Code 304.141, Terms and Conditions of NPDES Permits, and 35 Ill. Adm. Code 304.120, Deoxygenating Wastes, subject to the following conditions:

- a) The variance shall be effective upon diversion of the discharge from the effluent line to the drainage ditch and continue until completion of the Corp's construction work or for 5 days, whichever occurs first.

b) Since the exact date when the temporary change in the location of the discharge will occur is uncertain, Smurfit shall notify the Agency's Collinsville Regional Office by telephone (618/345-6220) at least 24 hours in advance of the time the temporary change will occur. This notification shall be followed by written notification addressed to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
Attention: Gary Whiteside


c) Smurfit shall notify the Agency as to when the work is completed as in (b) above.

d) Smurfit shall meet its NPDES effluent limits during the term of the variance.

e) Smurfit shall continue to operate and maintain its treatment works to produce as high a quality effluent as possible.

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 17th day of December, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board