

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1974

ALTON BOX BOARD COMPANY,)
)
 Petitioner,)
)
 v.) PCB 74-5
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

On August 9, 1973 we granted Alton Box Board Company variance from Rules 402, 403, 404(a) (i) and (b) (i), 405, 408(a), (b) and (c) and 921(a) of the Water Pollution Regulations and a limited variance from Section 12(a) of the Environmental Protection Act until April 6, 1974 for the purpose of constructing new process and waste water treatment facilities at its paperboard mill located at Alton, Illinois. Subsequently Alton Box petitioned for an extension of that variance. The parties had difficulty resolving the issues and, pending final determination, Alton Box requested an interim variance to June 20, 1974. On March 28, 1974 we denied interim variance because the parties had not proved their inability to meet our hearing schedule.

Petitioner Alton Box Company now moves that we reconsider our Order of February 28, 1974 and grant the interim variance in order to facilitate the orderly disposition of this cause. Upon motion to reconsider the parties have supplied a considerable amount of additional information. We allow the motion to reconsider. The Company will waive the requirement that our decision be made within 90 days if the interim variance is granted. The Agency now agrees to this 2 1/2 month extension of the variance.

The parties indicate that there will be a good probability of settlement of the issues if they can have the time to fully address their problems. The Agency states that its part of the case will take at least 30 days if the case must be tried to a conclusion. In view of that fact and the complexities of this case, it would seem reasonable to at least explore settlement possibilities.

Alton Box is spending \$5.7 million for its control program from funds generated internally, but the permanent financing will be from a sale of bonds to Aetna Life Insurance Company. One of the conditions of the bond sale is that the Pollution Control Board approve the Alton Box control program.

A new development which was unknown to us from the first record is that the outlet of Shields Branch to the Mississippi has been closed by the Corps of Engineers. As a result of this, a 60 acre impoundment has formed and has created a substantial problem with hydrogen sulfide gas. Alton Box along with several other industries has contributed its effluent to this impoundment. There are odor problems in the community and the color of some of the houses has been changed through reaction of the hydrogen sulfide gas with the paint. The Corps of Engineers will install new drainage to the Mississippi at a different location and this will be available in April 1974. This impoundment has caused large environmental problems including the possible eventual pollution caused from drainage to the Mississippi, a land pollution problem from sludge and odor problems from the hydrogen sulfide.

Alton Box claims that it could not legally be required to perform any cleanup of the impoundment but as a further inducement toward a settlement states that the Company will spearhead a program for the cleanup of this impoundment.

The Board finds that it would create an unreasonable hardship to require Alton Box to comply prior to June 20, 1974 with the regulations from which we granted variance in PCB 73-140. Therefore, we will grant an interim variance to that date. We find that Alton Box has waived its rights to a Board decision prior to June 20, 1974. In allowing this interim variance it is our intention to facilitate the more permanent disposition of the case. The Agency and Alton Box Board Company should address the issues in sufficient time so that a hearing can be scheduled and the Board may receive a transcript of proceedings in adequate time to decide the case prior to June 20, 1974. Hopefully, the parties will come to some agreement prior to hearing but if they cannot then they should be prepared to contest the issues.

ORDER

It is the Order of the Board that the variance granted to Alton Box Board Company on August 9, 1973 in PCB 73-140 is hereby extended to June 20, 1974. All terms and conditions of the variance remain in effect.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 7th day of March, 1974 by a vote of 5 to 0.

Christan L. Moffett