

CASE NUMBER 76-241CASE TITLE: EPA v. GEORGIA-PACIFIC CORP.H.O.: PAUL ROSCHECASE TYPE: Air-E217/532-2155DATE FILED: 9-28-76

DATE ITEMS

DATE	ITEMS
10-4-76	COMPLAINANT'S FIRST REQUEST FOR ADMISSION OF FACTS
10-4-76	PROOF OF SERVICE by ENVIRONMENTAL CONTROL DIV.
11-8-76	H.O. Order: Hearing set for Dec 9, 1976 at 10:00 A.M. Christian County Courthouse, Taylorville, Ill. Zoning Office.
12-7-76	Hearing (see above) cancelled- no new date
7-6-77	Hearing set for July 15, 1977, 10AM, Christian County Courthouse, Taylorville
7-14-77	EPA's motion to stay proceedings pending approval of the grant to the Taylorville Sanitary District to expand treatment facility. H.O. telephonic cancellation of hearing pending Board decision on motion to stay.
7-15-77	MOTION FOR CONTINUANCE by EPA
8-4-77	Order: motion to stay granted.
10-31-78	EPA MOTION TO TERMINATE STAY
10-31-78	EPA MOTION TO AMEND & AMENDED COMPLAINT
12-5-78	SECOND REQUEST TO ADMIT FACTS
11-6-79	motion to amend complaint & second amended complaint
11-17-79	PROOF OF SERVICE FROM EPA
6-4-80	Hearing set for July 31, 1980 at 10am, Board of Review Rm., Courthouse in Taylorville, Christian County, Ill. <del>Cancelled</del>

N/D  
11-16-76  
M.N.  
6-4-80



STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHRISTIAN )

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**RECEIVED**  
SEP 28 1976

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **POLLUTION CONTROL BOARD**

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
GEORGIA-PACIFIC CORPORATION, )  
a Georgia Corporation, )  
 )  
Respondent. )

PCB 76- 241

N O T I C E

TO: Georgia-Pacific Corporation  
c/o CT Corporation System, Reg. Agent  
208 S. LaSalle Street  
Chicago, Illinois 60604

YOU ARE HEREBY NOTIFIED of the filing of the attached  
Complaint with the Pollution Control Board.

YOU ARE FURTHER NOTIFIED that you will be required to  
attend a hearing at a date to be set by the Pollution Control  
Board, at which time you will be required to answer the alle-  
gations of the attached Complaint.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM J. SCOTT

ATTORNEY GENERAL

Attorney for Environmental Protection  
Agency

BY:

*Russell R. Eggert*

Russell R. Eggert

Assistant Attorney General

Environmental Control Division

Southern Region

Dated: September 27, 1976

cc: John H. Ward, State's Attorney



STATE OF ILLINOIS     )  
                                  )   SS  
COUNTY OF CHRISTIAN )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,     )  
                                  )  
                                  Complainant,     )  
                                  )  
                                  v.                     )     PCB 76-  
                                  )  
GEORGIA-PACIFIC CORPORATION,         )  
a Georgia Corporation,                 )  
                                  )  
                                  Respondent.        )

C O M P L A I N T

NOW COMES Complainant, the ENVIRONMENTAL PROTECTION AGENCY of the State of Illinois (hereinafter "EPA"), by its attorney, William J. Scott, Attorney General of the State of Illinois, and complains of Respondent, GEORGIA-PACIFIC CORPORATION, as follows:

COUNT I

1. Complainant is an administrative agency of the State of Illinois, established in the Executive Branch of State government pursuant to Section 4 of the Illinois Environmental Protection Act of 1970 (hereinafter "Act") (Ill. Rev. Stat. 1975, ch. 111 1/2, par. 1001, et seq.).

2. This Complaint is brought pursuant to authority granted the Agency by the Act.

3. Respondent, GEORGIA-PACIFIC CORPORATION, is and, at all times pertinent to this complaint, has been a corporation organized under the laws of Georgia and is and has been qualified to do business in the State of Illinois.

4. Respondent, GEORGIA-PACIFIC CORPORATION, at all times pertinent to this complaint, has been engaged in the business of stationery paper manufacturing, at its facility at Elm Street and Hopper Drive, Taylorville, Christian County, Illinois.

5. Respondent, GEORGIA-PACIFIC CORPORATION, at all times pertinent to this complaint, has owned, controlled and operated sewage treatment facilities located at Elm Street and Hopper Drive, Taylorville, Christian County, Illinois.

6. The said sewage treatment facilities include but are not limited to two lagoons.

7. Since August 13, 1974, and continuing on each and every day to the date of filing of this complaint, including but not limited to August 19, 1975, June 16, 1976, and June 17, 1976, Respondent has operated its aforesaid lagoons in a manner as to

cause or allow the discharge of odors.

8. Said discharge of odors resulted in the emission of contaminants to the ambient atmosphere of the State of Illinois within the meaning of Section 3(d) of the Act, Ill. Rev. Stat., ch. 111 1/2, par. 1003(d) (1975) and Rule 101 of the Air Pollution Control Regulations of the Pollution Control Board.

9. The presence in the atmosphere of said contaminants is of sufficient quantity and of such characteristics and duration as to prevent reasonable use of neighboring outdoor property, to cause citizens to attempt to seal their homes in order to escape said odors, and to otherwise unreasonably interfere with the enjoyment of life or property.

10. The presence in the atmosphere of said contaminants constitutes air pollution as that term is defined in Section 3(b) of the Act, Ill. Rev. Stat., ch. 111 1/2, par. 1003(b) (1975) and Rule 101 of the Air Pollution Control Regulations of the Pollution Control Board.

11. Respondent has caused or allowed the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, in violation of Section 9(a) of the Act, Ill. Rev. Stat., ch. 111 1/2, par. 1009(a) (1975) and Rule 102 of the Air Pollution Control Regulations of the

Pollution Control Board.

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY asks the Board to grant the following relief:

1. That the Board set a hearing in this matter to be not less than 21 days from the date of service hereof, at which time the Respondent be required to answer the allegations of Count 1 herein.

2. That the Board, after due consideration of any statements, testimony and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order directing Respondent to cease and desist from further violations.

3. That the Board impose upon Respondent a money penalty of not to exceed \$10,000 for the violation alleged and an additional penalty of not to exceed \$1,000 for each day during which the said violations shall have continued.

4. That the Board issue and enter such additional final order, or make such additional final determination as it shall deem appropriate under the circumstances.

COUNT II

1-6. Complainant realleges as though set out in full

herein paragraphs 1 through 6 of Count I.

7. Respondent's wastewater treatment works were built pursuant to a construction permit issued by the Agency's predecessor, the Sanitary Water Board, in 1959.

8. On or before December 9, 1970, Respondent installed certain equipment, including but not limited to aerators, which constituted a deviation from approved plans as defined by Rule 1.04 of Article I of the Sanitary Water Board's Rules and Regulations, continued in effect by Section 49(c) of the Environmental Protection Act, Ill. Rev. Stat., ch. 111 1/2, par. 1049(c) (1975), without a permit as required by and in violation of Section 12(b) of the Environmental Protection Act, Ill. Rev. Stat., ch. 111 1/2, par. 1012(b) (1975).

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY asks the Board to grant the following relief:

1. That the Board set a hearing in this matter to be not less than 21 days from the date of service hereof, at which time the Respondent be required to answer the allegations of Count II herein.

2. That the Board, after due consideration of any state-

ments, testimony and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order directing Respondent to cease and desist from further operation of said lagoons until Respondent secures from the Agency appropriate construction permits for its modifications to its wastewater treatment system.

3. That the Board impose upon Respondent a money penalty of not to exceed \$10,000 for the violation alleged and an additional penalty of not to exceed \$1,000 for each day during which the said violations shall have continued.

4. That the Board issue and enter such additional final order, or make such additional final determination as it shall deem appropriate under the circumstances.

ENVIRONMENTAL PROTECTION AGENCY,  
Complainant

WILLIAM J. SCOTT  
ATTORNEY GENERAL  
Attorney for Environmental  
Protection Agency

BY: *Russell R. Eggert*  
Russell R. Eggert  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

Dated: September 27, 1976

CERTIFICATE OF SERVICE

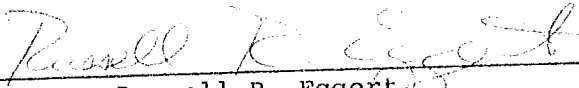
I hereby certify that I did, on the 27th day of September, 1976, send by Certified Mail, with postage thereon fully prepaid, by depositing same in a United States Mail Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled NOTICE and COMPLAINT

TO: Georgia-Pacific Corporation  
c/o CT Corporation System, Reg. Agent  
208 S. LaSalle Street  
Chicago, Illinois 60604

and the original and nine true and correct copies of the same foregoing instruments

TO: Pollution Control Board  
309 West Washington Street  
Chicago, Illinois 60606

In addition to the foregoing, a copy of the said Notice and Complaint has been sent to John H. Ward, State's Attorney of Christian County, Christian County Courthouse, Taylorville, Illinois, 62568, for his information pursuant to Procedural Rule 307(b)(3) of this Board.

  
\_\_\_\_\_  
Russell R. Eggert  
Assistant Attorney General

No. 76-

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BEFORE THE  
POLLUTION CONTROL BOARD  
FOR THE  
STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

vs.


GEORGIA-PACIFIC CORPORATION,  
a Georgia Corporation

---

WILLIAM J. SCOTT  
Attorney General

---

---





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COT - 4 1976

POLLUTION CONTROL BOARD

STATE OF ILLINOIS    ]  
                          ] SS  
COUNTY OF CHRISTIAN ]

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,    ]  
  ]  
                          Complainant,    ]  
  ]  
                          v.                    ]  
  ]  
GEORGIA-PACIFIC CORPORATION,         ]  
a Georgia Corporation,                 ]  
  ]  
                          Respondent.        ]

PCB 76-241

COMPLAINANT'S FIRST  
REQUEST FOR ADMISSION OF FACTS

Complainant Environmental Protection Agency hereby requests, pursuant to Pollution Control Board Procedural Rule 314, that the Respondent Georgia-Pacific Corporation admit the following facts within twenty (20) days of the service of this Request:

1. That Respondent Georgia-Pacific Corporation is a Georgia corporation.
2. That Respondent Georgia-Pacific Corporation does business in Illinois.

3. That Respondent Georgia-Pacific Corporation owns a facility located at Elm Street and Hopper Drive, Taylorville, Christian County, Illinois.

4. That Respondent Georgia-Pacific Corporation has continuously owned a facility located at Elm Street and Hopper Drive, Taylorville, Christian County, Illinois, since at least August 13, 1974.

5. That among the equipment at the facility located at Elm Street and Hopper Drive, Taylorville, Illinois, are sewage treatment facilities (hereinafter "sewage treatment facilities").

6. That Respondent Georgia-Pacific Corporation operates said sewage treatment facilities.

7. That Respondent Georgia-Pacific Corporation controls said sewage treatment facilities.

8. That said sewage treatment facilities include two lagoons.

9. That since August 13, 1974 the Respondent Georgia-Pacific Corporation has operated the two lagoons apurtenant to said sewage treatment facilities in such a manner as to cause the emission of odors from said lagoons on each and every day.

10. That since August 13, 1974 the Respondent Georgia-Pacific Corporation has operated the two lagoons apurtenant to said sewage treatment facilities in such a manner as to allow the emission of odors from said lagoons on each and every day.

11. That said sewage treatment facilities were built pursuant to a construction permit issued in 1959 by the Sanitary Water Board.

12. That on or before December 9, 1970, Respondent Georgia-Pacific Corporation installed aerators to said sewage treatment facilities.

13. That said aerators constituted a deviation from approved plans as defined by Rule 1.04 of Article I of the Sanitary Water Board's Rules and Regulations.

WILLIAM J. SCOTT  
ATTORNEY GENERAL  
Attorney for Complainant

BY: Russell R. Eggert  
Russell R. Eggert  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

Dated: October 1, 1976

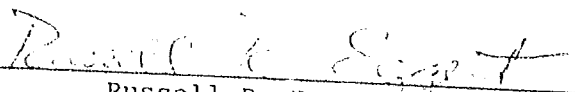
CERTIFICATE OF SERVICE

I, Russell R. Eggert, an attorney, hereby certify that I served copies of the foregoing Complainant's First Request for Admission of Facts upon the following persons, by posting same with the U. S. Postal Service in Springfield, Illinois, certified mail, return receipt requested, with postage fully prepaid, on October 1, 1976:

Georgia-Pacific Corporation  
c/o CT Corporation System, Reg. Agent  
208 South LaSalle Street  
Chicago, Illinois 60604

James Haggerty, Plant Manager  
Georgia-Pacific Corporation  
Elm Street and Hopper Drive  
Taylorville, Illinois 62578

Christan L. Moffett  
Clerk of the Board  
Pollution Control Board  
309 West Washington Street  
Chicago, Illinois 60606

  
\_\_\_\_\_  
Russell R. Eggert



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WILLIAM J. SCOTT  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD  
62706

RECEIVED  
OCT - 2 1976

POLLUTION CONTROL BOARD

October 1, 1976

Miss Christan L. Moffett, Clerk  
Illinois Pollution Control Board  
309 West Washington Street  
Chicago, Illinois 60606

Re: EPA v. Georgia-Pacific Corporation  
PCB No. 76-241

Dear Miss Moffett:

Pursuant to Rule 305(a) of the Procedural Rules of the Illinois Pollution Control Board, the enclosed executed certified mail receipts are filed with the Board as proof of service of the Notice and Complaint filed with the Board on September 27, 1976.

Very truly yours,

*Russell R. Eggert*

Russell R. Eggert  
Acting Chief, Southern Region  
Environmental Control Division

FRE:sh  
Enc.

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on reverse side.
  - Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE \$300



RETURN  
TO



WILLIAM J. SCOTT  
Attorney General Environmental Control  
500 So. Second  
Springfield, Illinois 62706

PS Form 3811, Jan 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Complaint 9-27-76

SENDER Complete name and address  
Add your address on the RETURN TO space on reverse

1. The following service is requested (check one)
- Show to whom and date delivered 15¢
  - Show to whom, date, & address of delivery 15¢
  - RESTRICTED DELIVERY  
Show to whom and date delivered 15¢
  - RESTRICTED DELIVERY  
Show to whom, date, and address of delivery 15¢

2. ARTICLE ADDRESSED TO:  
 Georgia-Pacific Corp., c/o C.T.  
 Corp. System, Registered Agent  
 208 S. LaSalle, Chicago, IL 60604

3. ARTICLE DESCRIPTION:

REGISTERED NO	CERTIFIED NO	INSURED NO
	150-454	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*C T - J Lee*

4. DATE OF DELIVERY POSTMARK

SEP 28 1976

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:	CLERK'S INITIALS
-------------------------------	------------------

November 3, 1976  
November 3, 1976

Mr. ~~Went~~  
Mr. A. Paul Rosche, Jr.  
109 South Main Street  
Hillsboro, Illinois 62049

RE: PCB76-241 EPA v. GEORGIA PACIFIC

Dear Mr. Rosche:

A hearing must be held in the above captioned matter. Even if the parties have reached a settlement, the public must be given an opportunity to appear and present testimony if they so desire.

I will wait further word from you regarding a hearing date. Notice will be published and a court reporter scheduled.

Very truly yours,

Christan L. Hoffett



A. PAUL ROSCHE, JR.  
ATTORNEY AT LAW  
109 SOUTH MAIN STREET  
HILLSBORO, ILLINOIS 62049

TELEPHONE: 217-832-2156  
217-832-2577

October 28, 1976

Ms. Chris Moffett  
Pollution Control Board  
309 West Washington Street Suite 300  
Chicago, Illinois 60606

Re: EPA vs Jersey Sanitation and <sup>PCB</sup> 76-173  
EPA vs Georgia Pacific <sup>PCB</sup> 76-241

Dear Miss Moffett:

In the matter of EPA vs Jersey Sanitation this is to notify you that the hearing has been set for December 3, 1976 at 10:00 A.M. at the Jersey County Courthouse, Jerseyville, Illinois. Please arrange to have a reporter there.

Regarding the case of EPA vs Georgia Pacific, it is my understanding that the attorneys have reached a settlement, please notify me as to whether or not I should proceed to set a hearing date or wait until further word is received from your office. Thank you.

Respectfully Yours,

*A. Paul Rosche, Jr.*  
A. Paul Rosche, Jr.  
Attorney at Law

APR/sah



REC-100  
OCT 1976

STATE OF ILLINOIS

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

300 WEST WASHINGTON STREET SUITE 300

CHICAGO, ILLINOIS 60606

TELEPHONE  
312-793-2425

JACOB D. DUMELLE, CHAIRMAN

505 WEST WASHINGTON  
James L. Young

Springfield, Illinois

[Redacted]

Donald P. Satchell

[Redacted]

PHILIP ZEITLIN  
CHICAGO, ILLINOIS

IRVIN G. GOODMAN  
MEDINA, ILLINOIS

DATE: October 4, 1976

DOCKET NO: PCB 76-241

Mr. A. Paul Rosche, Jr.  
109 S. Main Street  
Hillsboro, Ill. 62049

CASE NAME: EPA v. Georgia-Pacific

DATE FILED: 9/28/76

You have been designated Hearing Officer in the above captioned case. Enclosed is a copy of the Petition/Complaint and a copy of the Board Procedural Rules to be forwarded to the petitioner or respondent.

Consult all parties to arrange a hearing date convenient to all involved in the case. The hearing should be held no sooner than 30 days after we receive your notice (this will enable us to arrange for the proper 21 day newspaper notice). The hearing must be held in the county in which the subject site is located, and should be in a location convenient to the parties and interested members of the public. Inform all parties of the hearing date, time and location.

Return this form to the Clerk's Office as soon as you have set a hearing date, time and location. Newspaper notice will be arranged by the Clerk's Office (carbon copy will be sent to you).

Very truly yours,

Jacob D. Dumelle, Chairman  
Illinois Pollution Control Board

HEARING DATE & TIME: December 9, 1976 at 10:00 A.M.

LOCATION: Christian County Courthouse, Taylorville, Illinois, Zoning Office

HEARING OFFICER SIGNATURE: \_\_\_\_\_



76-241

JACOB D. DUMELLE, CHAIRMAN  
DAN FARM, ILLINOIS

STATE OF ILLINOIS

JAMES L. YOUNG  
SPRINGFIELD, ILLINOIS

IRVING G. GOODMAN  
MEDIHUN, ILLINOIS

POLLUTION CONTROL BOARD

PHILIP ZEITLIN  
CHICAGO, ILLINOIS

309 WEST WASHINGTON STREET SUITE 300

DONALD P. SATCHEL  
CERRITOS, ILLINOIS

CHICAGO, ILLINOIS 60606

TELEPHONE  
312-793 3820

November 16, 1976  
Taylorville Breeze Courier  
Classified Advertising Department

ACCT. NO. ~~ILQ3L9WC17~~

Gentlemen:

Kindly publish the notice as it appears below one day only as soon as possible. Please publish legal style; do not enlarge.

Enclosed please find an Invoice-Voucher form. This form must be signed in the box marked "Seller's Certification" and returned to us with your Certificate of Publication so we may process for payment. Payment cannot be made without the Certificate of Publication.

Very truly yours,

Christan L. Moffett  
Clerk of the Board

ILLINOIS POLLUTION CONTROL BOARD  
NOTICE OF HEARING

Public Notice is hereby given that the Pollution Control Board will hold a public hearing on December 9, 1976 at 10:00 A.M. at Christian County Courthouse, Taylorville, Illinois Zoning Office in the matter of PCB76-241, Environmental Protection Agency v. Georgia - Pacific Corporation.

Jacob D. Dumelle  
Chairman

CLM/pk

76-241

# THE BREEZE PRINTING CO.

A Corporation organized and existing under and by virtue of the laws of the state of Illinois does HEREBY CERTIFY, that it is the publisher

OF THE

## BREEZE-COURIER

That said BREEZE-COURIER is a secular newspaper and has been published daily in the City of Taylorville, County of Christian and State of Illinois, continuously for more than six months prior to, on and since the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said County and State.

That a notice, of which the annexed printed slip is a true copy, was published one times in said Breeze-Courier namely once each week for — successive weeks, and that the first publication of said notice as aforesaid was made in said newspaper dated and published on the 19 day of November, A. D. 19876 and the last publication thereof was made in said newspaper dated and published on the — day of — A. D. 198—

IN WITNESS WHEREOF, the undersigned, the said THE BREEZE PRINTING COMPANY has caused this certificate to be signed by JAMES FRANK COOPER, its President, this 20 day of December A. D. 19876

THE BREEZE PRINTING COMPANY

By James Frank Cooper President.

(Publication Fee \$ 3.00)

### ILLINOIS POLLUTION CONTROL BOARD

#### NOTICE OF HEARING

Public Notice is hereby given that the Pollution Control Board will hold a public hearing on December 9, 1976 at 10:00 A.M. at Christian County Courthouse, Taylorville, Illinois Zoning Office in the matter of PCB76-241, Environmental Protection Agency v. Georgia - Pacific Corporation.

Jacob D. Dumelle  
Chairman  
Nov. 19, 1976

RECEIVED

JUL 6 1977

STATE OF ILLINOIS )  
                          )  
CHRISTIAN COUNTY )

SS:

POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,        )  
  )  
          Complainant,                    )  
  )  
  )  
          vs                                )  
  )  
  )  
GEORGIA-PACIFIC CORPORATION,            )  
A Georgia Corporation,                    )  
  )  
          Respondent.                    )

PCB 76-241

NOTICE OF HEARING

This is to notify you that the above entitled matter has been set for hearing on Friday, July 15, 1977 at 10:00 A.M. in the Christian County Courthouse, Taylorville, Illinois, Board of Supervisors Room. Check in the zoning office for the location of the room when you arrive.

A. Paul Rosche, Jr.,  
Hearing Officer





above-captioned case pending the approval of a grant to the  
Taylorville Sanitary District.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY: Patrick J. Chesley  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

Dated: July 13, 1977



STATE OF ILLINOIS )  
                  )    SS  
COUNTY OF SANGAMON )

A F F I D A V I T

I, PATRICK J. CHESLEY, being duly sworn upon oath,  
state as follows:

1. I am an Assistant Attorney General for the State of Illinois and have the sole responsibility for the presentation and preparation of the case against Georgia-Pacific Corporation in PCB 76-241.

2. No useful purpose will be served in holding a hearing until the grant of the Taylorville Sanitary District is either approved or denied.

3. The alleged odor problems caused by Georgia-Pacific are believed to come from two wastewater treatment lagoons. If the Taylorville Sanitary District's expansion grant is approved, then Georgia-Pacific will be able to discharge its wastewater to the Taylorville Sanitary District for treatment. Georgia-Pacific will then eliminate the lagoons by dewatering and covering, thus eliminating the odor problem.

4. During the pendency of the approval of the grant,

Georgia-Pacific has agreed to undertake interim steps to reduce its alleged odor problem. Georgia-Pacific has agreed to dewater the first of its twenty-five acre lagoons, then excavate, cover and lime the sludge accumulations. A small pre-settling pond will replace the first lagoon. Also, the two aerators from the first lagoon will be moved to the second lagoon. At the present time, Georgia-Pacific has almost completed dewatering the first lagoon.

5. The Environmental Protection Agency feels that Georgia-Pacific has proceeded at an acceptable rate in accomplishing its interim solution.

6. I have inquired into the status of the grant applications made by the Taylorville Sanitary District. I have found that the applications are being processed and that there appears to be no problem with approval which is anticipated in November of 1977. If approved at that time, then construction will begin in the spring of 1978. However, there still exists the possibility that problems could arise which would require the denial of the grant.

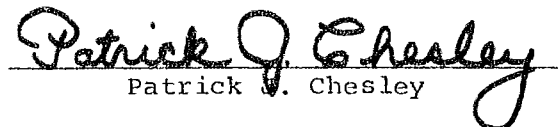
7. Considering the status of the Taylorville Sanitary District's grant, to hold a hearing now and require Georgia-Pacific to correct its odor problem by its own means

would be unjustified. Georgia-Pacific has indicated that if such a solution was required, it would give serious consideration to closing its Taylorville plant. Such a result would be detrimental both to Georgia-Pacific and the economy of Taylorville.

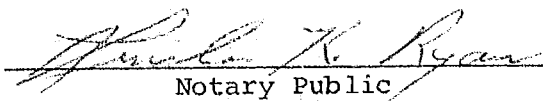
8. The alleged odor problem caused by Georgia-Pacific have existed for some time. Although the short delay requested by this stay would allow the odor problem to continue, such a result is justified when the alternatives are weighed.

9. I have consulted with the attorney for Georgia-Pacific, Charles Bliss, and learned that the Respondent agrees that this case should be stayed pending the approval of the grant to the Taylorville Sanitary District.

Further affiant sayeth not.

  
Patrick J. Chesley

SUBSCRIBED AND SWORN TO  
before me this  
13th day of July, 1977.

  
Notary Public


CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13th day of July, 1977, send by first class mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled NOTICE, MOTION TO STAY, and AFFIDAVIT

TO: Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

A. Paul Rosche, Jr.  
Hearing Officer  
109 South Main Street  
Hillsboro, Illinois 62049

Pollution Control Board  
309 W. Washington Street  
Chicago, Illinois 60606

  
Patrick J. Chesley  
Assistant Attorney General

No. PCB 76-241

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BEFORE THE  
POLLUTION CONTROL BOARD  
FOR THE  
STATE OF ILLINOIS

ENVIRONMENTAL PROTECTION AGENCY

vs.

GEORGIA-PACIFIC CORPORATION,  
a Georgia corporation

---

WILLIAM J. SCOTT  
Attorney General

---

STATE OF ILLINOIS )  
                          ) SS  
COUNTY OF CHRISTIAN )

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 15 1977

POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )

Complainant, )

v. )

GEORGIA-PACIFIC CORPORATION, )  
a Georgia corporation, )

Respondent. )

PCB 76-241

N O T I C E

TO: Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

PLEASE TAKE NOTICE that I have today filed a Motion for  
Continuance with the Hearing Officer in the above-captioned case,  
a copy of which is attached hereto and herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY: Patrick J. Chesley  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

Dated: July 14, 1977

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHRISTIAN )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )  
 )

Complainant, )  
 )

v. )

PCB 76-241

GEORGIA-PACIFIC CORPORATION, )  
 )  
a Georgia corporation, )  
 )

Respondent. )

MOTION FOR CONTINUANCE

NOW COMES Complainant, the ENVIRONMENTAL PROTECTION AGENCY, by its attorney, William J. Scott, Attorney General of the State of Illinois, and pursuant to Pollution Control Board Procedural Rule 313, moves the Hearing Officer to continue the hearing in the above-captioned case which is now scheduled for July 15, 1977 to allow the Pollution Control Board to rule on the Complainant's Motion to Stay, and in support of this Motion for Continuance, the affidavit of counsel is attached hereto and made a part hereof.

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY prays that the Hearing Officer in this case continue the hearing from

July 15, 1977 to allow the Pollution Control Board to rule on the  
Complainant's Motion to Stay.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY: Patrick J. Chesley  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

Dated: July 14, 1977



STATE OF ILLINOIS )  
                          )   SS  
COUNTY OF SANGAMON )

A F F I D A V I T

I, PATRICK J. CHESLEY, being duly sworn upon oath,  
state as follows:

1. I am an Assistant Attorney General for the State of Illinois and have the sole responsibility for the preparation and presentation of the case against Georgia-Pacific Corporation in PCB 76-241.
2. On July 13, 1977, I mailed to the Pollution Control Board a Motion to Stay the cause in PCB 76-241. In support of that Motion to Stay, an Affidavit of counsel was attached, a copy of which is attached hereto as Exhibit A and is incorporated by reference into this Affidavit.
3. The next meeting of the Pollution Control Board is scheduled for August 4, 1977.
4. The last meeting of the Pollution Control Board was on July 7, 1977.
5. I first learned that the hearing was set in this case on July 5, 1977. At that time, it was too late to have a

Motion to Stay considered by the Board on July 7, 1977.

6. Both parties agree that this continuance should be allowed. To hold the hearing on July 15, 1977 would deny the parties the opportunity to have the Pollution Control Board rule on the Motion to Stay.

Further affiant sayeth not.

Patrick J. Chesley  
Patrick J. Chesley

SUBSCRIBED AND SWORN TO  
before me this  
14th day of July, 1977.

James A. Sapelli  
Notary Public

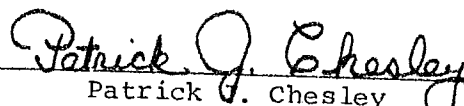
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14th day of July, 1977, send by first class mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled NOTICE, MOTION FOR CONTINUANCE, and AFFIDAVIT

TO: Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

A. Paul Rosche, Jr.  
Hearing Officer  
109 South Main Street  
Hillsboro, Illinois 62049

Pollution Control Board  
309 W. Washington Street  
Chicago, Illinois 60606

  
Patrick J. Chesley  
Assistant Attorney General

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF SANGAMON )

A F F I D A V I T

I, PATRICK J. CHESLEY, being duly sworn upon oath,  
state as follows:

1. I am an Assistant Attorney General for the State of Illinois and have the sole responsibility for the presentation and preparation of the case against Georgia-Pacific Corporation in PCB 76-241.

2. No useful purpose will be served in holding a hearing until the grant of the Taylorville Sanitary District is either approved or denied.

3. The alleged odor problems caused by Georgia-Pacific are believed to come from two wastewater treatment lagoons. If the Taylorville Sanitary District's expansion grant is approved, then Georgia-Pacific will be able to discharge its wastewater to the Taylorville Sanitary District for treatment. Georgia-Pacific will then eliminate the lagoons by dewatering and covering, thus eliminating the odor problem.

4. During the pendency of the approval of the grant,

Georgia-Pacific has agreed to undertake interim steps to reduce its alleged odor problem. Georgia-Pacific has agreed to dewater the first of its twenty-five acre lagoons, then excavate, cover and lime the sludge accumulations. A small pre-settling pond will replace the first lagoon. Also, the two aerators from the first lagoon will be moved to the second lagoon. At the present time, Georgia-Pacific has almost completed dewatering the first lagoon.

5. The Environmental Protection Agency feels that Georgia-Pacific has proceeded at an acceptable rate in accomplishing its interim solution.

6. I have inquired into the status of the grant applications made by the Taylorville Sanitary District. I have found that the applications are being processed and that there appears to be no problem with approval which is anticipated in November of 1977. If approved at that time, then construction will begin in the spring of 1978. However, there still exists the possibility that problems could arise which would require the denial of the grant.

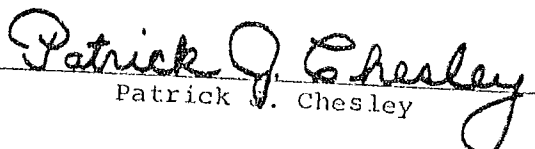
7. Considering the status of the Taylorville Sanitary District's grant, to hold a hearing now and require Georgia-Pacific to correct its odor problem by its own means

would be unjustified. Georgia-Pacific has indicated that if such a solution was required, it would give serious consideration to closing its Taylorville plant. Such a result would be detrimental both to Georgia-Pacific and the economy of Taylorville.

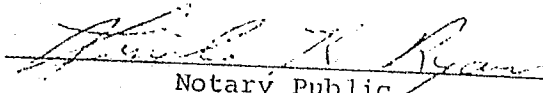
8. The alleged odor problem caused by Georgia-Pacific have existed for some time. Although the short delay requested by this stay would allow the odor problem to continue, such a result is justified when the alternatives are weighed.

9. I have consulted with the attorney for Georgia-Pacific, Charles Bliss, and learned that the Respondent agrees that this case should be stayed pending the approval of the grant to the Taylorville Sanitary District.

Further affiant sayeth not.

  
Patrick J. Chesley

SUBSCRIBED AND SWORN TO  
before me this  
13th day of July, 1977.

  
Notary Public

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHRISTIAN )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 76-241  
 )  
GEORGIA-PACIFIC CORPORATION, )  
a Georgia corporation )  
 )  
Respondent. )

O R D E R

THIS CASE coming to be heard on Complainant's Motion for Continuance and this Hearing Officer be advised in the premises finds that the interests of justice require a continuance of the hearing now set for July 15, 1977.

IT IS THEREFORE ORDERED that the hearing in the above-captioned cause is continued from July 15, 1977 to allow the Pollution Control Board to rule on the Complainant's Motion to Stay.

ENTER: \_\_\_\_\_  
Hearing Officer

DATED: \_\_\_\_\_

No. PCB 76-241

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BEFORE THE  
POLLUTION CONTROL BOARD  
FOR THE  
STATE OF ILLINOIS

ENVIRONMENTAL PROTECTION AGENCY  
vs.  
GEORGIA-PACIFIC CORPORATION,  
a Georgia corporation

---

WILLIAM J. SCOTT  
Attorney General

---





STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHRISTIAN )

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )

-vs-

PCB 76-241

GEORGIA-PACIFIC CORPORATION, )  
a Georgia Corporation, )  
 )  
Respondent. )

N O T I C E

TO: Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

YOU ARE HEREBY NOTIFIED of the filing of the attached Motion for Leave to File an Amended Complaint and Amended Complaint with the Pollution Control Board on October 26, 1978, a copy of which is attached hereto and herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

BY:

*Patrick J. Chesley*  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

DATED: October 27, 1978

STATE OF ILLINOIS     )  
                          )  SS  
COUNTY OF CHRISTIAN  )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,     )  
  )  
                          Complainant,     )  
  )  
                  -vs-                     )     PCB 76-241  
  )  
GEORGIA-PACIFIC CORPORATION,         )  
a Georgia Corporation,                 )  
  )  
                          Respondent.     )

MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

NOW COMES the Complainant, ENVIRONMENTAL PROTECTION AGENCY, by its attorney, William J. Scott, Attorney General of the State of Illinois, and moves that the Pollution Control Board grant it leave to file an Amended Complaint. In support of its motion, Complainant states as follows:

1. Pursuant to the Board Order of August 4 in the above-captioned case the proceedings have been stayed.
2. Along with this Motion for Leave to File an Amended Complaint the Complainant has filed a Motion with the Board to lift the stay granted on August 4, 1977.

3. Because of the long stay in the case, the Complainant feels that it is necessary to update the allegations in the Complaint to better inform the Board of the current situation.

4. The original Complaint mistakenly located the sewage treatment plant and lagoons at the plant. This defect is corrected in the Amended Complaint.

5. Since no hearing has been set for this matter, the Respondent will have adequate time to defend against the allegations of the Amended Complaint.

WHEREFORE, the Complainant prays that the Board grant it leave to file the attached Amended Complaint.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY: Patrick J. Chesley  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

DATED: October 27, 1978

STATE OF ILLINOIS     )  
                              )  SS  
COUNTY OF CHRISTIAN  )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,     )  
  )  
                                  Complainant,     )  
  )  
                  - vs -                     )     PCB 76-241  
  )  
GEORGIA-PACIFIC CORPORATION,     )  
a Georgia Corporation,             )  
  )  
                                  Respondent.     )

AMENDED COMPLAINT

NOW COMES Complainant, the ENVIRONMENTAL PROTECTION AGENCY of the State of Illinois (hereinafter "EPA"), by its attorney, William J. Scott, Attorney General of the State of Illinois, and complains of Respondent, GEORGIA-PACIFIC CORPORATION, as follows:

COUNT I

1. Complainant is an administrative agency of the State of Illinois, established in the Executive Branch of State government pursuant to Section 4 of the Illinois Environmental Protection Act of 1970 (hereinafter "Act") (Ill.

Rev. Stat. 1973, ch. 111 1/2, par. 1001, et seq.).

2. This Amended Complaint is brought pursuant to authority granted the Agency by the Act.

3. Respondent, GEORGIA-PACIFIC CORPORATION, is and, at all times pertinent to this complaint, has been a corporation organized under the laws of Georgia and is and has been qualified to do business in the State of Illinois.

4. Respondent, GEORGIA-PACIFIC CORPORATION, at all times pertinent to this complaint, has been engaged in the business of stationery paper manufacturing, at its facility at Elm Street and Hopper Drive, Taylorville, Christian County, Illinois.

5. Respondent, GEORGIA-PACIFIC CORPORATION, at all times pertinent to this complaint, has owned and operated a sewage treatment facility located Southeast of Taylorville on the Southeast side of Illinois Route 48 approximately three-quarters a mile Southwest of the junction of Illinois Route 48 and Illinois Route 29, Christian County, Illinois.

6. The said sewage treatment facility includes, but is not limited to, two lagoons.

7. The wastewater from the Respondent's paper manufacturing plant flows to the above-described sewage treatment facility.

8. Since August 13, 1974, and continuing on each and every day to the date of filing of this Amended Complaint, including but not limited to August 19, 1975, June 16, 1976, June 17, 1976, September 21, 1976, September 22, 1976, and April 5, 1978 Respondent has caused or allowed its aforesaid lagoons to operate in a manner so as to cause or allow the discharge of odors.

9. Said discharge of odors resulted in the emission of contaminants to the ambient atmosphere of the State of Illinois within the meaning of Section 3(d) of the Act, Ill. Rev. Stat., ch. 111 1/2, par. 1003(d) (1975) and Rule 101 of the Air Pollution Control Regulations of the Pollution Control Board.

10. The presence in the atmosphere of said contaminants is of sufficient quantity and of such characteristics and duration as to prevent reasonable use of neighboring outdoor property, to cause citizens to attempt to seal their homes in order to escape said odors, and to otherwise unreasonably interfere with the enjoyment of life or property and to be injurious

to property by causing discoloration of paint.

11. The presence in the atmosphere of said contaminants constitutes air pollution as that term is defined in Section 3(b) of the Act, Ill. Rev. Stat., ch. 111 1/2, par. 1003(b) (1975) and Rule 101 of the Air Pollution Control Regulations of the Pollution Control Board.

12. Respondent has caused or allowed the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, in violation of Section 9(a) of the Act, Ill. Rev. Stat., ch. 111 1/2, par. 1009(a) (1975) and Rule 102 of the Air Pollution Control Regulations of the Pollution Control Board.

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY asks the Board to grant the following relief:

1. That the Board set a hearing in this matter to be not less than 21 days from the date of service hereof, at which time the Respondent be required to answer the allegations of Count I herein.

2. That the Board, after due consideration of any statements, testimony and arguments as shall be duly submitted

at the hearing, or upon default in the appearance of Respondent, enter and issue a final order directing Respondent to cease and desist from further violations.

3. That the Board impose upon Respondent a money penalty of not to exceed \$10,000 for the violation alleged and an additional penalty of not to exceed \$1,000 for each day during which the said violations shall have continued.

4. That the Board issue and enter such additional final order, or make such additional final determination as it shall deem appropriate under the circumstances.

#### COUNT II

1-7. Complainant realleges as though set out in full herein paragraphs 1 through 7 of Count I.

8. Respondent's wastewater treatment works were built pursuant to a construction permit issued by the Agency's predecessor, the Sanitary Water Board, in 1959.

9. On or before December 9, 1970, Respondent installed certain equipment, including but not limited to aerators, which constituted a deviation from approved plans as defined by Rule 1.04 of Article I of the Sanitary Water



Board's Rules and Regulations, continued in effect by Section 49(c) of the Environmental Protection Act, Ill. Rev. Stat., ch. 111 1/2, par. 1049(c) (1975), without a permit as required by and in violation of Section 12(b) of the Environmental Protection Act, Ill. Rev. Stat., ch. 111 1/2, par. 1012(b) (1975).

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY asks the Board to grant the following relief:

1. That the Board set a hearing in this matter to be not less than 21 days from the date of service hereof, at which time the Respondent be required to answer the allegations of Count II herein.

2. That the Board, after due consideration of any statements, testimony and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order directing Respondent to cease and desist from further operation of said lagoons until Respondent secures from the Agency appropriate construction permits for its modifications to its wastewater treatment system.


3. That the Board impose upon Respondent a money penalty of not to exceed \$10,000 for the violation alleged and an additional penalty of not to exceed \$1,000 for each

day during which the said violations shall have continued.

4. That the Board issue and enter such additional final order, or make such additional final determination as it shall deem appropriate under the circumstances.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY:   
John Van Vranken  
Assistant Attorney General  
Environmental Control Division  
Southern Region

OF COUNSEL:

Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

DATED: October 27, 1978

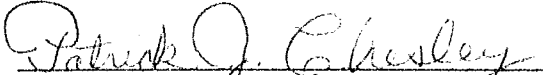
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27th day of October, 1978, send by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Postal Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled NOTICE, MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT and AMENDED COMPLAINT

TO: Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

and the original and nine true and correct copies of the same foregoing instruments

TO: Pollution Control Board  
309 West Washington Street  
Chicago, Illinois 60606

  
Assistant Attorney General

No. PCB 76-241

---

---

BEFORE THE  
POLLUTION CONTROL BOARD  
FOR THE  
STATE OF ILLINOIS

vs.

Georgia-Pacific Corporation,

a Georgia Corporation

WILLIAM J. SCOTT  
Attorney General

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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHRISTIAN )

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OCT 27 1978

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )

Complainant, )

-VS-

PCB 76-241

GEORGIA-PACIFIC CORPORATION, )  
a Georgia Corporation, )

Respondent. )

N O T I C E

TO: Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

PLEASE TAKE NOTICE that I have today filed a Motion to Terminate Stay with the Clerk of the Illinois Pollution Control Board, a copy of which is attached hereto and herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

BY:

*Patrick J. Chesley*  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

DATED: October 27, 1978

STATE OF ILLINOIS     )  
                                  )  SS  
COUNTY OF CHRISTIAN  )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,     )  
                                  )  
                          Complainant,     )  
                                  )  
                  -vs-                     )  PCB 76-241  
                                  )  
GEORGIA-PACIFIC CORPORATION,     )  
a Georgia Corporation,             )  
                                  )  
                          Respondent.     )

MOTION TO TERMINATE STAY

NOW COMES Complainant, ENVIRONMENTAL PROTECTION AGENCY, by its attorney, William J. Scott, Attorney General of the State of Illinois, and moves the Pollution Control Board to terminate the stay granted in the above-captioned cause by Order of the Board on August 4, 1977. In support of this motion, Complainant states as follows:

1. This cause was originally stayed for two reasons. First, it was necessary to determine whether or not the Respondent would be allowed to tie-in to the Taylorville sewer system. This determination depended upon the grant

eligibility for the City with the Respondent's tie-in. Second, the Agency agreed to the stay because at the time of the stay the Agency felt the Respondent was taking and had a schedule to complete certain interim steps to reduce the alleged odor problems.

2. There appears little doubt that the City of Taylorville will be granted funds to upgrade its sewage treatment plant to handle the wastewater from the Respondent's plant. At the present time the only snag to the issuance of the grant fund appears to be a determination of the amount of wastewater which the Respondent would add to the system. The Respondent was to provide a report concerning its wastewater load on the system in the spring of 1978. The report has not yet been provided.

3. Since it appears likely that the City of Taylorville will be allowed to upgrade its system to include the wastewater from the Georgia-Pacific plant, a solution to the odor problems from the Respondent's lagoon is available.

4. Based upon inspections by the Environmental Protection Agency, it is the Complainant's position that the Respondent has not proceeded with the interim steps as rapidly as it should.

5. Odor complaints concerning the Respondent's lagoons have continued during the pendency of this stay.

WHEREFORE, the Complainant, Environmental Protection Agency, prays that the Pollution Control Board terminate the stay of the above-captioned cause entered on August 4, 1977.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY: Patrick J. Chesley  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

DATED: October 27, 1978

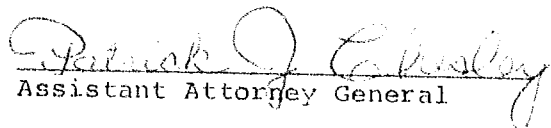




CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27th day of October, 1978, send by First Class Mail with postage thereon fully prepaid, by depositing in a United States Postal Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled NOTICE, MOTION TO TERMINATE STAY and AFFIDAVIT

TO: Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

  
Assistant Attorney General

No. PCB 76-241

---

---

BEFORE THE  
POLLUTION CONTROL BOARD  
FOR THE  
STATE OF ILLINOIS

vs.

Georgia-Pacific Corporation,

a Georgia Corporation

WILLIAM J. SCOTT  
Attorney General

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STATE OF ILLINOIS )  
                          ) )  
COUNTY OF CHRISTIAN )

SS

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DEC 6 1978

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )  
  ) )  
                          Complainant, )  
  ) )  
                          v. ) )  
  ) )  
GEORGIA PACIFIC CORPORATION, )  
a Georgia corporation, ) )  
  ) )  
                          Respondent. )

PCB 76-241

NOTICE

TO: Mr. Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

YOU ARE HEREBY NOTIFIED that I have this date filed the attached Second Request to Admit Facts with the Clerk of the Pollution Control Board. Please take further notice that pursuant to Procedural Rule 314(c), each fact will be deemed admitted unless an objection or sworn denial is filed within twenty (20) days after service hereof.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

BY: Patrick J. Chesley  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

DATED: December 1, 1978

STATE OF ILLINOIS        )  
                                  )    SS  
COUNTY OF CHRISTIAN    )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,    )  
                                  )    )  
                  Complainant,        )    )  
                                  )    )  
                  v.                    )    PCB 76-241  
                                  )    )  
GEORGIA PACIFIC CORPORATION,        )  
a Georgia corporation,                )    )  
                                  )    )  
                  Respondent.        )    )

SECOND REQUEST TO ADMIT FACTS

NOW COMES the Complainant, ENVIRONMENTAL PROTECTION AGENCY, by William J. Scott, Attorney General for the State of Illinois, and requests, pursuant to Procedural Rule 314(a), the Respondent, GEORGIA PACIFIC CORPORATION, admit the truth of the below listed facts.

In making such request, Complainant calls Respondent's attention to Rule 314(c) which states in pertinent part:

"Each of the matters of fact...of which admission is requested is admitted unless within 20 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which

admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part." (Emphasis supplied.)

1. Since at least August 13, 1974 the Respondent, Georgia Pacific, has owned and operated a sewage treatment facility.

2. Said sewage treatment facility is located southeast of Taylorville on the southeast side of Illinois Route 48 approximately 3/4 of a mile southwest of the junction of Illinois Route 48 and Illinois Route 29 in Christian County, Illinois.

3. The wastewater from the Respondent's paper manufacturing plant located at Elm and Hopper in Taylorville flows to the above described sewage treatment facility.

4. Since August 13, 1974 and continuing on each and every day to the date of the filing of this Amended Complaint, including but not limited to August 19, 1975, June 16, 1976, June 17, 1976, September 21, 1976, September 22, 1976, and April 5, 1978 the Respondent has caused the lagoons at its sewage treatment

facility to operate in a manner so as to cause the discharge of odors.

5. Since August 13, 1974 and continuing on each and every day to the date of the filing of this Amended Complaint, including but not limited to August 19, 1975, June 16, 1976, June 17, 1976, September 21, 1976, September 22, 1976, and April 5, 1978 the Respondent has caused the lagoons at its sewage treatment facility to operate in a manner so as to allow the discharge of odors.

6. Since August 13, 1974 and continuing on each and every day to the date of the filing of this Amended Complaint, including but not limited to August 19, 1975, June 16, 1976, June 17, 1976, September 21, 1976, September 22, 1976, and April 5, 1978 the Respondent has allowed the lagoons at its sewage treatment facility to operate in a manner so as to cause the discharge of odors.

7. Since August 13, 1974 and continuing on each and every day to the date of the filing of this Amended Complaint, including but not limited to August 19, 1975, June 16, 1976, June 17, 1976, September 21, 1976, September 22, 1976, and April 5, 1978 the Respondent has allowed the lagoons at its sewage treatment facility to operate in a manner so as to allow

the discharge of odors.

8. Since August 13, 1974 on some occasions the Respondent has caused the lagoons at its sewage treatment facility to operate in a manner so as to cause the discharge of odors.

9. Since August 13, 1974 on some occasions the Respondent has caused the lagoons at its sewage treatment facility to operate in a manner so as to allow the discharge of odors.

10. Since August 13, 1974 on some occasions the Respondent has allowed the lagoons at its sewage treatment facility to operate in a manner so as to cause the discharge of odors.

11. Since August 13, 1974 on some occasions the Respondent has allowed the lagoons at its sewage treatment facility to operate in a manner so as to allow the discharge of odors.

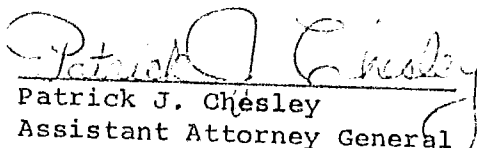
12. Since August 13, 1974 and continuing on each and every day to the date of the filing of this Complaint the lagoons at the Respondent's sewage treatment facility have emitted an odor.



13. Since August 13, 1974 on some occasions the lagoons at the Respondent's sewage treatment facility have emitted an odor.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY:   
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

DATED: December 1, 1978

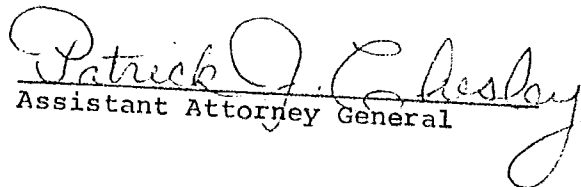
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1st day of December, 1978, send by certified mail, with postage thereon fully prepaid, a true and correct copy of the foregoing instruments entitled NOTICE and SECOND REQUEST TO ADMIT FACTS

TO: Mr. Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

and two true and correct copies of the same foregoing instruments

TO: Pollution Control Board  
309 West Washington Street  
Chicago, Illinois 60606

  
Assistant Attorney General

No. PCB 76-241

---

BEFORE THE  
POLLUTION CONTROL BOARD  
FOR THE  
STATE OF ILLINOIS

vs.

Georgia Pacific Corporation

---

WILLIAM J. SCOTT  
Attorney General

---

RECEIVED

MAY 08 1979

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHRISTIAN )

POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )

Complainant, )

vs. )

GEORGIA-PACIFIC CORPORATION, a )  
Georgia Corporation, )

Respondent. )

PCB 76-241

N O T I C E

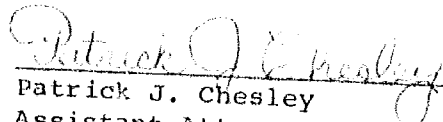
TO: Mr. Charles E. Bliss  
Hershey, Bliss, Beavers & Periard  
221 West Main Cross  
Taylorville, Illinois 62568

YOU ARE HEREBY NOTIFIED of the filing of the  
attached MOTION TO AMEND COMPLAINT and SECOND AMENDED  
COMPLAINT with the Pollution Control Board, a copy of  
which is attached and herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY:



Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region, Deputy Chief

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

DATED: November 1, 1979

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHRISTIAN )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 vs. ) PCB 76-241  
 )  
 GEORGIA-PACIFIC CORPORATION, a )  
 Georgia Corporation, )  
 )  
 Respondent. )

MOTION TO AMEND COMPLAINT

NOW COMES Complainant, the ENVIRONMENTAL PROTECTION AGENCY, by its attorney, William J. Scott, Attorney General of the State of Illinois, and moves that it be granted leave to file a Second Amended Complaint instanter for the following reasons:

1. The attached Second Amended Complaint in Counts III and IV alleges additional violations caused by the Respondent during the Complaint period. For economy of

litigation it makes good sense to try all the violations which arise out of the same circumstances in one suit.

2. The attached Second Amended Complaint also updates the violations alleged in Counts I and II.

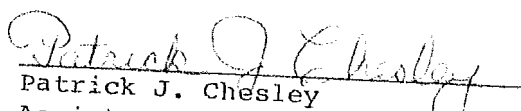
3. No prejudice will result to the Respondent, since no hearing date has been set and the Respondent will therefore be able to adequately prepare its defense.

WHEREFORE, the Complainant prays that the Pollution Control Board allow the Complainant to file the attached SECOND AMENDED COMPLAINT instanter.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY:

  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region, Deputy Chief

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

DATED: November 1, 1979





Environmental Protection Act of 1970 (hereinafter "Act"),  
(Ill. Rev. Stat., 1975, ch. 111 1/2, par. 1001, et seq.)

2. This SECOND AMENDED COMPLAINT is brought pursuant to authority granted the Agency by the Act.

3. Respondent, GEORGIA-PACIFIC CORPORATION, is, and at all time pertinent to this complaint, has been a corporation organized under the laws of Georgia and is and has been qualified to do business in the State of Illinois.

4. Respondent, GEORGIA-PACIFIC CORPORATION, at all times pertinent to this complaint, has been engaged in the business of stationery paper manufacturing, at its facility at Elm Street and Hopper Drive, Taylorville, Christian County, Illinois.

5. Respondent, GEORGIA-PACIFIC CORPORATION, at all times pertinent to this Complaint, has owned and operated a sewage treatment facility located Southeast of Taylorville on the Southeast side of Illinois Route 48 approximately three-quarters a mile Southwest of the junction of Illinois Route 48 and Illinois Route 29, Christian County, Illinois (hereinafter referred to as "said facility").

6. Said facility includes, but is not limited to, two lagoons.

7. The wastewater from the Respondent's paper manufacturing plant flows to said facility.

8. Since August 13, 1974, and continuing on each and every day to the date of filing of this SECOND AMENDED COMPLAINT, including but not limited to August 19, 1975, June 16, 1976, June 17, 1976, September 21, 1976, September 22, 1976, and April 5, 1978 Respondent has caused or allowed its lagoons at said facility to operate in a manner so as to cause or allow the discharge of odors.

9. Said discharge of odors resulted in the emission of contaminants to the ambient atmosphere of the State of Illinois within the meaning of Section 3(d) of the Act, Ill. Rev. Stat., ch. 111 1/2, par. 1003(d) (1975) and Rule 101 of the Air Pollution Control Regulations of the Pollution Control Board.

10. The presence in the atmosphere of said contaminants is of sufficient quantity and of such characteristics and duration as to prevent reasonable use of neighboring outdoor property, to cause citizens to attempt to seal their

homes in order to escape said odors, and to otherwise unreasonably interfere with the enjoyment of life or property and to be injurious to property by causing discoloration of paint.

11. The presence in the atmosphere of said contaminants constitutes air pollution as that term is defined in Section 3(b) of the Act, Ill. Rev. Stat., ch. 111 1/2, par. 1003(b) (1975) and Rule 101 of the Air Pollution Control Regulations of the Pollution Control Board.

12. Respondent has caused or allowed the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, in violation of Section 9(a) of the Act, Ill. Rev. Stat., ch. 111 1/2, par. 1009(a) (1975) and Rule 102 of the Air Pollution Control Regulations of the Pollution Control Board.

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY asks the Board to grant the following relief:

1. That the Board set a hearing in this matter to be not less than 21 days from the date of service hereof, at which time the Respondent be required to answer the allegations of Count I herein.

2. That the Board, after due consideration of any statements, testimony and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order directing Respondent to cease and desist from further violations.

3. That the Board impose upon Respondent a money penalty of not to exceed \$10,000 for the violation alleged and an additional penalty of not to exceed \$1,000 for each day during which the violations shall have continued.

4. That the Board issue and enter such additional final order, or make such additional final determination as it shall deem appropriate under the circumstances.

#### COUNT II

1-7. Complainant realleges as though set out in full herein paragraphs 1 through 7 of Count I.

8. Respondent's wastewater treatment works were built pursuant to a construction permit issued by the Agency's predecessor, the Sanitary Water Board, in 1959.

9. On or before December 9, 1970, Respondent installed certain equipment, including but not limited to aerators, which constituted a deviation from approved plans as defined by Rule 1.04 of Article I of the Sanitary Water Board's Rules and Regulations, continued in effect by Section 49(c) of the Environmental Protection Act, Ill. Rev. Stat., ch. 111 1/2, par. 1049(c) (1975), without a permit as required by and in violation of Section 12(b) of the Environmental Protection Act, Ill. Rev. Stat., ch. 111 1/2, par. 1012(b) (1975).

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY asks the Board to grant the following relief:

1. That the Board set a hearing in this matter to be not less than 21 days from the date of service hereof, at which time the Respondent be required to answer the allegations of Count II herein.

2. That the Board, after due consideration of any statements, testimony and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order directing Respondent to cease and desist from further operation of said lagoons until Respondent secures from the Agency appropriate construction permits for its modifications to its wastewater treatment system.

3. That the Board impose upon Respondent a money penalty of not to exceed \$10,000 for the violation alleged and an additional penalty of not to exceed \$1,000 for each day during which the violations shall have continued.

4. That the Board issue and enter such additional final order, or make such additional final determination as it shall deem appropriate under the circumstances.

COUNT III

1-7. Complainant realleges as though set out in full herein paragraphs 1 through 7 of Count I.

8. Wastewater is discharged from the lagoons at said facility via a point source into the South Fork of the Sangamon River.

9. Such wastewater contains suspended solids and biochemical oxygen demand both of which are contaminants as that term is defined in Section 3(d) of the Act, Ill. Rev. Stat., 1977, ch. 111 1/2, par. 1003(d).

10. From November 1, 1977 and continuing up until the filing of this SECOND AMENDED COMPLAINT the Respondent, GEORGIA-PACIFIC CORPORATION, has caused or allowed discharge of the wastewater described above in paragraph 8 and 9 to enter the South Fork of the Sangamon River.

11. The South Fork of the Sangamon River is a navigable water as that term is used in the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., and a water of the State of Illinois as that phrase is used in the Act.

12. GEORGIA-PACIFIC CORPORATION was issued NPDES Permit No. IL0035556 (hereinafter the "Permit") on June 10, 1977 for the wastewater discharge to the South Fork of the

Sangamon River described above in Paragraph 8.

13. The Permit expired on April 30, 1978.

14. The Respondent, GEORGIA-PACIFIC CORPORATION, filed a renewal application for its NPDES Permit described above but has not been issued a new NPDES Permit.

15. Pursuant to Section 16 of the Administrative Procedure Act, Ill. Rev. Stat., 1977, ch. 127, par. 1016, the provisions of the Respondent's Permit have remained in effect after it expired on May 1, 1978.

16. The Permit provided that after July 1, 1977 the Respondent's wastewater discharge to the South Fork of the Sangamon River must comply with the following effluent limitations:

(a) BOD <sub>5</sub>	4 mg/l	Daily Average
	10 mg/l	Daily Maximum

(b) Total Suspended Solids	5 mg/l	Daily Average
	12 mg/l	Daily Maximum



17. Section 12(a) of the Act, Ill. Rev. Stat., 1977, ch. 111 1/2, par. 1012(a) provides in pertinent part:

"No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause water pollution in Illinois...or so as to violate regulations or standards adopted by the Pollution Control Board under this Act."

18. Section 12(f) of the Act, Ill. Rev. Stat., 1977, ch. 111 1/2 par. 1012(f), provides, in pertinent part:

"No person shall:

- (f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulation adopted by the Board with respect to the NPDES program.

. . .

For all purposes of this Act, a permit issued by the Administrator of the United States Environmental Protection Agency under Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) shall be deemed to be a permit issued by the Agency pursuant to Section 39(b) of this Act."

19. Rule 410(a) of the Board's Rules and Regulations, Chapter 3: Water Pollution, (hereinafter "Water Pollution Rules") provides:

"NPDES Effluent Standards

- (a) No person to whom an NPDES Permit has been issued may discharge any contaminant in his effluent in excess of the standards and limitations for that contaminant which are set forth in his permit."

20. Water Pollution Rule 901 provides:

"NPDES Permit Required

Except as in compliance with the provisions of the Act, Board regulations, and the FWPCA, and the provisions and conditions of the NPDES Permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful."

21. Water Pollution Rule 916 provides:

"Effective Date

The effective date of this Subpart A shall be the date when the Board files with the Secretary of State a copy of the letter approving the Illinois NPDES program by the Administrator of the United States Environmental Protection Agency pursuant to Section 402(b) of the FWPCA."

22. On October 24, 1977, the Illinois Pollution Control Board filed with the Secretary of State a copy of the letter approving the Illinois NPDES program by the Administrator of the USEPA, thereby effectuating Water Pollution Rule 401 and 901.

23. The Respondent, GEORGIA-PACIFIC CORPORATION, had the following effluent concentrations for BOD<sub>5</sub> and suspended solids for the wastewater discharges referred to in Paragraphs 8 and 9 above for the months listed:

	BOD <sub>5</sub> Daily Average	Suspended Solids Daily Average
November 1977	173 mg/l	10 mg/l
December 1977	177 mg/l	13 mg/l
January 1978	159 mg/l	7 mg/l
February 1978	176 mg/l	42 mg/l
March 1978	170 mg/l	45 mg/l
April 1978	131 mg/l	44 mg/l

		BOD <sub>5</sub> Daily Average	Suspended Solids Daily Average
(continued)			
May	1978	121 mg/l	61 mg/l
June	1978	112 mg/l	71 mg/l
July	1978	83 mg/l	104 mg/l
August	1978	95 mg/l	82 mg/l
September	1978	105 mg/l	96 mg/l
October	1978	110 mg/l	90 mg/l
November	1978	125 mg/l	77 mg/l
December	1978	135 mg/l	60 mg/l
January	1979	139 mg/l	54 mg/l
February	1979	152 mg/l	56 mg/l
March	1979	86 mg/l	48 mg/l
April	1979	50 mg/l	664 mg/l
May	1979	10 mg/l	14 mg/l
June	1979	15 mg/l	42 mg/l
July	1979	35 mg/l	33 mg/l

24. The concentrations of all the discharges described above in Paragraph 23 are in excess of the effluent limitations in GEORGIA-PACIFIC CORPORATION'S NPDES Permit which are set out above in Paragraph 16 and by causing or allowing such discharges, GEORGIA-PACIFIC CORPORATION has caused or allowed violations of Water Pollution Rules 410(a) and 901 and Sections 12(a) and 12(f) of the Act, Ill. Rev. Stat., 1977, ch. 111 1/2, par. 1012(a) and 1012(f).

WHEREFORE, Complainant, ENVIRONMENTAL PROTECTION AGENCY of the State of Illinois, prays:

1. That the Board set a hearing date in this matter to be not less than twenty-one (21) days from the date of service hereof, at which time Respondent, GEORGIA-PACIFIC CORPORATION be required to answer the allegations herein.

2. That the Board, after due consideration of any statements, testimony, and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order directing Respondent to cease and desist from further violations.

3. That the Board impose upon Respondent a monetary penalty of not to exceed Ten Thousand Dollars (\$10,000) for the violation alleged herein and an additional penalty of not to exceed Ten Thousand Dollars (\$10,000) for each day during which said violations shall have continued.

4. That the Board issue and enter such additional final order, or make such additional final determination, as it shall deem appropriate under the circumstances.

COUNT IV

1-8. Complainant realleges as though set out in full herein paragraphs 1 through 8 of Count III.

9. Section 12(a) of the Act provides:

"No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act;"

10. Rule 402 of the Illinois Pollution Control Board's Rules and Regulations Chapter 3: Water Pollution (hereinafter "Water Pollution Rules") provides:

"Violation of Water Quality Standards

In addition to the other requirements of this Part, no effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard. When the Agency finds that a discharge that would comply with effluent standards contained in this Chapter would cause or is causing a violation of water quality standards, the Agency shall take appropriate action under Section 31 or Section 39 of the Act to require the discharge to meet

whatever effluent limits are necessary to ensure compliance with the water quality standards. When such a violation is caused by the cumulative effect of more than one source, several sources may be joined in an enforcement or variance proceeding, and measures for necessary effluent reductions will be determined on the basis of technical feasibility, economic reasonableness, and fairness to all dischargers.

11. Water Pollution Rules 203(a) and 203(d) provide:

"General Standards

The General Standards listed below will protect the State's water for aquatic life, agricultural use, primary and secondary contact use, and most industrial uses, and ensure the aesthetic quality of the State's aquatic environment. Except as otherwise provided in this Chapter, all waters of the State shall meet the following standards:

- (a) Freedom from unnatural sludge or bottom deposits, floating debris, visible oil, odor, unnatural plant or algal growth, unnatural color or turbidity, or matter in concentrations or combinations toxic or harmful to human, animal, plant or aquatic life of other than natural origin.
- (d) Dissolved oxygen (STORET number - 00300) shall not be less than 6.0 mg/l during at least 16 hours of any 24 hour period, nor less than 5.0 mg/l at any time."

12. From on or about September 17, 1979 and continuing until the filing of this SECOND AMENDED COMPLAINT the discharge described above in Paragraph 8 has caused unnatural color and turbidity in the South Fork of the Sangamon River in that such discharge has caused the water in said river to appear pink or red.

13. From on or about September 17, 1979 and continuing until the filing of this SECOND AMENDED COMPLAINT the discharge described above in Paragraph 8 has caused dissolved oxygen levels in the South Fork of the Sangamon River to be less than 5.0 mg/l.

14. By causing or allowing the discharges described above in Paragraphs 12 and 13 the Respondent, GEORGIA-PACIFIC CORPORATION, has caused or allowed violations of Water Pollution Rule 402 and Section 12(a) of the Act, Ill. Rev. Stat., 1977, ch. 111 1/2, par. 1012(a).

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY asks the Board to grant the following relief:

1. That the Board set a hearing date in this matter to be not less than twenty-one (21) days from the



date of service hereof, at which time the Respondent be required to answer the allegations of Count IV herein.

2. That the Board, after due consideration of any statements, testimony and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order directing the Respondent to cease and desist from further discharge of wastewater from said facility into the South Fork of the Sangamon River so as to cause water quality violations of Water Pollution Rules 203(a) and 203(d).

3. That the Board impose upon Respondent a monetary penalty of not to exceed Ten Thousand Dollars (\$10,000) for the violation alleged herein and an additional penalty of not to exceed One Thousand Dollars (\$1,000) for each day during which said violations shall have continued.

4. That the Board issue and enter such additional final order, or make such additional final determination, as it shall deem appropriate under the circumstances.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY:



Ann L. Carr  
Assistant Attorney General  
Environmental Control Division  
Chief, Southern Region

OF COUNSEL:

Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Deputy Chief, Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

DATED: November 1, 1979

CERTIFICATE OF SERVICE

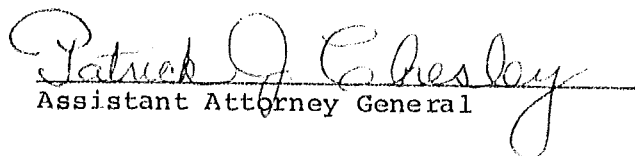
I hereby certify that I did, on the 1st day of November, 1979 send by certified mail, with postage thereon fully prepaid, a true and correct copy of the foregoing instruments entitled NOTICE, MOTION TO AMEND COMPLAINT, and SECOND AMENDED COMPLAINT

TO: Mr. Charles E. Bliss Paul A. Rosche, Jr.  
Hershey, Bliss, Beavers 109 S. Main Street  
and Periard Hillsboro, IL 62049  
221 West Main Cross  
Taylorville, IL 62568

and the original and nine true and correct copies of the same foregoing instruments

TO: Pollution Control Board  
309 West Washington Street  
Chicago, IL 60606

In addition to the foregoing, a copy of said NOTICE, MOTION TO AMEND COMPLAINT, and SECOND AMENDED COMPLAINT has been sent to Honorable Brenda Sweeney, State's Attorney of Christian County, Christian County Courthouse, Taylorville, Illinois 62568 for her information, pursuant to Procedural Rule 307(b) of this Board.

  
Assistant Attorney General



WILLIAM J. SCOTT  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD  
62706

RECEIVED

NOV 11 1979

POLLUTION CONTROL BOARD

November 9, 1979

Miss Christan L. Moffett, Clerk  
Illinois Pollution Control Board  
309 West Washington Street  
Chicago, Illinois 60606

RE: EPA vs Georgia-Pacific Corp.  
PCB 76-241

Dear Chris:

Pursuant to Rule 305(a) of the Procedural Rules of the Illinois Pollution Control Board, the enclosed executed certified mail receipts are filed with the Board as proof of service of the Notice and Complaint filed with the Board.

Sincerely,

Ann L. Carr  
Assistant Attorney General  
Environmental Control Division  
Southern Region, Chief

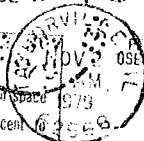
AIC:sb  
Encl.

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

Print your name, address, and ZIP CODE in the space below

- Complete items 1, 2, and 3 on the reverse
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article
- Endorse article "Return Receipt Requested" adjacent number.



PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE \$300



**RETURN  
TO**



*Eng Central  
Business*

WILLIAM A. SCOTT  
AR  
50  
Springfield, Illinois 62706

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

- SENDER. Complete items 1, 2, and 3  
Add your address in the RETURN TO space on reverse.

1. The following service is requested (check one)
- Show to whom and date delivered . . . . . C
- Show to whom, date, and address of delivery . . . . . C
- RESTRICTED DELIVERY  
Show to whom and date delivered . . . . . C
- RESTRICTED DELIVERY  
Show to whom, date, and address of delivery \$ . . . . .
- (CONSULT POSTMASTER FOR FEES)

## 2. ARTICLE ADDRESSED TO

*Mr. William C. Jones  
1111 1/2 St. N.E.  
Washington, D.C. 20002*

## 3. ARTICLE DESCRIPTION

REGISTERED NO	CERTIFIED NO	INSURED NO
	500	

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE  Addressee  Authorized agent

4. *W. C. Jones*

DATE OF DELIVERY

11-2-79

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

*Encl Amended Complaint*

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below

- Complete items 1, 2, and 3 on the reverse
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE \$300



RETURN  
TO



WILLIAM J. SCOTT  
Attorney General  
500 So. Second  
Springfield, Illinois 62705

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

*Emilio  
Antonio  
Rivera*

SENDER. Complete items 1, 2 and 3  
Add your address in the RETURN TO space on reverse

1. The following service is requested (check one)

- Show to whom and date delivered C  
 Show to whom, date, and address of delivery C  
 RESTRICTED DELIVERY  
Show to whom and date delivered C  
 RESTRICTED DELIVERY  
Show to whom, date, and address of delivery S  
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO

3. ARTICLE DESCRIPTION

REGISTERED NO. CERTIFIED NO. INSURED NO.

100-501

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE  Addressee  Authorized agent

4.

DATE OF DELIVERY

11-8-1979

POSTMARK

NOV

1979

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

MDS



NAME AND ADDRESS OF SENDER

WILLIAM J. SCOTT  
 Attorney General  
 500 So. Second

*Emil W. Hill*  
*Rec'd.*

Indicate type of mail  
 REGISTERED  COD  
 INSURED  CERTIFIED

I certify that we have  
 Commercial Insurance  
 A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.  
 POSTMARK AND DATE OF RECEIPT

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	Springfield, Mo. 65706 Mr. Charles E. Bliss	67	80							45	
2	Dorsey Bliss, Weaver & Periard										
3	221 West Main Street										
4	Taylorville, IL 62568										
5											
6	(Notice, Motion) to Amend Complaint										
7	& Second Amended Complaint										
8	Georgia-Pacific Corp. 76-241)										
9											
10	Paul A. Locke, Jr.	67	80							45	
11	109 S. Main St.										
12	Hillsboro, IL 62049										
13											
14											
15											

1979

TOTAL NUMBER OF PIECES LISTED BY SENDER

*Two (2)*

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*W. J. Scott*

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11-1-79

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

PS Form 3877 - Aug. 1976

Original Do Not Remove

A. PAUL ROSCHE, JR.  
ATTORNEY AT LAW  
109 SOUTH MAIN STREET  
HILLSBORO, ILLINOIS 62049

TELEPHONE: 217/632-2155  
217/632-2177

June 2, 1980

Pollution Control Board  
State of Illinois  
309 West Washington Street  
Suite 300  
Chicago, Illinois 60606

RECEIVED  
JUN 11 1980

POLLUTION CONTROL BOARD

Re: PCB76-241  
EPA vs. Georgia-Pacific Corporation

Gentlemen:

I have set July 31, 1980 at 10:00 a.m. for the hearing day in the above-entitled matter. The hearing will be held in the Board of Review room in the Courthouse in Taylorville, Christian County, Illinois. I am also forwarding copies of this letter to Attorney Patrick Chesley, representing EPA, and Attorney Charles Bliss, counsel for Georgia-Pacific Corporation.

I assume you will arrange for a Court Reporter to be present at the foregoing time and place in order that the hearing may proceed as scheduled.

Respectfully yours,

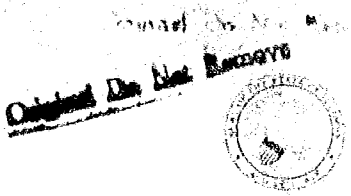
A. Paul Rosche, Jr.  
Attorney at Law

APR/mf

A-E

N.N.?

77



JACOB D. DUMELLE, CHAIRMAN  
OAK PARK, ILLINOIS

JOAN G. ANDERSON  
WESTERN SPRINGS, ILLINOIS

IRVIN G. GOODMAN  
OAK BROOK, ILLINOIS

STATE OF ILLINOIS

# POLLUTION CONTROL BOARD

309 WEST WASHINGTON STREET SUITE 300

CHICAGO, ILLINOIS 60606

TELEPHONE

312 793 3320

DONALD P. SATCHELL  
CARBONDALE, ILLINOIS

NELS B. WERTER  
CHICAGO, ILLINOIS

June 4, 1980

Breeze-Courier  
Classified Advertising Department  
212 S. Main Street  
Taylorville, Illinois 62568

Gentlemen:

Please publish the notice as it appears one day only as soon as possible. Please publish legal style, do not enlarge.

Enclosed is an Invoice-Voucher form. Please sign in the box marked "Seller's Certification" and return to us with proof of publication to be processed for payment.

Very truly yours,



Christan L. Moffett  
Clerk of the Board

## ILLINOIS POLLUTION CONTROL BOARD NOTICE OF HEARING

Public notice is hereby given that the Pollution Control Board will hold a public hearing in the matter of PCB 76-241, EPA v. Georgia-Pacific Corp. on July 31, 1980 at 10:00 A.M. in the Board of Review room in the Courthouse in Taylorville, Illinois.

Jacob D. Dumelle  
Chairman

RECEIVED

STATE OF ILLINOIS )  
 )  
COUNTY OF CHRISTIAN )

POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
GEORGIA PACIFIC CORPORATION, )  
a Georgia Corporation, )  
 )  
Respondent. )

PCB 76-241

N O T I C E

TO: Charles Bliss  
221 W. Main Cross  
Taylorville, IL 62568

Richard A. Horder  
2310 Parklake Drive N.E.  
P.O. Box 105041  
Atlanta, Georgia 30348

YOU ARE HEREBY NOTIFIED that I have this date mailed for filing the attached Request to Admit Facts with the Clerk of the Pollution Control Board. Please take further notice that pursuant to Procedural Rule 314(c), each fact will be deemed admitted unless an objection or sworn denial is filed within twenty (20) days after service hereof.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY: Patrick J. Chesley  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, IL 62706  
(217) 782-9033

DATED: July 1, 1980

STATE OF ILLINOIS )  
 )  
COUNTY OF CHRISTIAN )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
vs. ) PCB 76-241  
 )  
GEORGIA PACIFIC CORPORATION, )  
a Georgia Corporation, )  
 )  
Respondent. )

REQUEST TO ADMIT FACTS

NOW COMES the Complainant, ENVIRONMENTAL PROTECTION AGENCY, by William J. Scott, Attorney General for the State of Illinois, and requests, pursuant to Procedural Rule 314(a), that the Respondent, Georgia Pacific Corporation, admit the truth of the below listed facts.

"Each of the matters of fact...of which admission is requested is admitted unless within 20 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those

matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part." (Emphasis supplied.)

1. Wastewater from the second lagoon at the sewage treatment facility of the Respondent alleged in the Complaint is discharged via a point source into the South Fork of the Sangamon River.

2. Such wastewater contains suspended solids.

3. Such wastewater contains biochemical oxygen demand.

4. Suspended solids are contaminants.

5. Biochemical oxygen demands are contaminants.

6. Georgia Pacific has control over the discharge mentioned in Request to Admit Fact number one.

7. The lagoons at the sewage treatment facility of the Respondent alleged in the Complaint are designed so that a discharge occurs from the second lagoon via a point source into the South Fork of the Sangamon River.

8. The South Fork of the Sangamon River is a navigable water as that term is used in the Water Pollution Control Act, 33 U.S.C. 1251 et seq.

9. The South Fork of the Sangamon River is a water of the State of Illinois as that phrase is used in the

Illinois Environmental Protection Act.

10. Georgia Pacific Corporation was issued NPDES Permit No. IL 0035556 (hereinafter the "permit") on June 10, 1977 by the United States Environmental Protection Agency for the above described discharge to the South Fork of the Sangamon River.

11. The Permit expired on April 30, 1978.

12. Georgia Pacific Corporation has filed a renewal application for its NPDES Permit for the above described discharge but has not been issued a new NPDES Permit.

13. The Permit required that after July 1, 1977, the wastewater discharge to the South Fork of the Sangamon River described above must meet the following effluent limitations for BOD<sub>5</sub>:

4 mg/l daily average      10 mg/l daily maximum

14. The Permit required that after July 1, 1977, the wastewater discharge to the South Fork of the Sangamon River described above must meet the following effluent limitations for Total Suspended Solids:

5 mg/l daily average      12 mg/l daily maximum

15. On October 24, 1977 the Illinois Pollution Control Board filed with the Secretary of State, a copy of

the letter approving the Illinois NPDES program by the Administrator of the USEPA thereby effectuating Water Pollution Rule 401 and 901.

16. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for November 1977 of 173 mg/l as reported on the Respondent's Discharge Monitoring Report.

17. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for December 1977 of 177 mg/l as reported on the Respondent's Discharge Monitoring Report.

18. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for January 1978 of 159 mg/l as reported on the Respondent's Discharge Monitoring Report.

19. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for February 1978 of 176 mg/l as reported on the Respondent's Discharge Monitoring Report.

20. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for March 1978 of 170 mg/l as reported on the Respondent's Discharge Monitoring Report.



21. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for April 1978 of 131 mg/l as reported on the Respondent's Discharge Monitoring Report.

22. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for May 1978 of 121 mg/l as reported on the Respondent's Discharge Monitoring Report.

23. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for June 1978 of 112 mg/l as reported on the Respondent's Discharge Monitoring Report.

24. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for July 1978 of 83 mg/l as reported on the Respondent's Discharge Monitoring Report.

25. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for August 1978 of 95 mg/l as reported on the Respondent's Discharge Monitoring Report.

26. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for September 1978 of 105 mg/l as reported on the Respondent's Discharge Monitoring Report.

27. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for October 1978 of 110 mg/l as reported on the Respondent's Discharge Monitoring Report.

28. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for November 1978 of 125 mg/l as reported on the Respondent's Discharge Monitoring Report.

29. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for December 1978 of 135 mg/l as reported on the Respondent's Discharge Monitoring Report.

30. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for January 1979 of 139 mg/l as reported on the Respondent's Discharge Monitoring Report.

31. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for February 1979 of 152 mg/l as reported on the Respondent's Discharge Monitoring Report.

32. The discharge to the South Fork of the Sangamon River had a daily average concentration of BOD<sub>5</sub> for March 1979 of 86 mg/l as reported on the Respondent's Discharge Monitoring Report.

39. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of January 1978 of 7 mg/l as reported in the Respondent's Discharge Monitoring Report.

40. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of February 1978 of 42 mg/l as reported in the Respondent's Discharge Monitoring Report.

41. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of March 1978 of 45 mg/l as reported in the Respondent's Discharge Monitoring Report.

42. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of April 1978 of 44 mg/l as reported in the Respondent's Discharge Monitoring Report.

43. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of May 1978 of 61 mg/l as reported in the Respondent's Discharge Monitoring Report.

44. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of June 1978 of 71 mg/l as reported in the Respondent's Discharge Monitoring Report.

45. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of July 1978 of 104 mg/l as reported in the Respondent's Discharge Monitoring Report.

46. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of August 1978 of 82 mg/l as reported in the Respondent's Discharge Monitoring Report.

47. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of September 1978 of 96 mg/l as reported in the Respondent's Discharge Monitoring Report.

48. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of October 1978 of 90 mg/l as reported in the Respondent's Discharge Monitoring Report.

49. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of November 1978 of 77 mg/l as reported in the Respondent's Discharge Monitoring Report.

50. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of December 1978 of 60 mg/l as reported in the Respondent's Discharge Monitoring Report.

51. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of January 1979 of 54 mg/l as reported in the Respondent's Discharge Monitoring Report.

52. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of February 1979 of 56 mg/l as reported in the Respondent's Discharge Monitoring Report.

53. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of March 1979 of 48 mg/l as reported in the Respondent's Discharge Monitoring Report.

54. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of April 1979 of 664 mg/l as reported in the Respondent's Discharge Monitoring Report.

55. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of May 1979 of 14 mg/l as reported in the Respondent's Discharge Monitoring Report.

56. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of June 1979 of 42 mg/l as reported in the Respondent's Discharge Monitoring Report.

57. The discharge to the South Fork of the Sangamon River described above had a daily average suspended solids concentration for the month of July 1979 of 33 mg/l as reported in the Respondent's Discharge Monitoring Report.

58. In September 1979 the discharge to the South Fork of the Sangamon River described above caused the water in that River to appear pink or red.

59. In October 1979 the discharge to the South Fork of the Sangamon River described above caused the water in that River to appear pink or red.

60. In September 1979 the discharge to the South Fork of the Sangamon River described above caused the dissolved oxygen levels in the South fork of the Sangamon River to be less than 5.0 mg/l.

ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY: Patrick J. Chesley  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, IL 62706  
(217) 782-9033

DATED: *July 1, 1980*

CERTIFICATE OF SERVICE

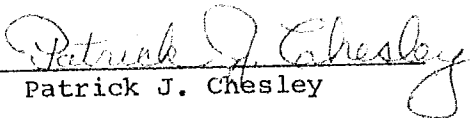
I hereby certify that I did, on the 1<sup>st</sup> day of July, 1980, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instruments NOTICE, and REQUEST TO ADMIT FACTS

TO: Charles Bliss  
221 W. Main  
Taylorville, IL 62568

Richard A. Horder  
2310 Park Lake Drive N.E.  
P.O. Box 105041  
Atlanta, Georgia 30348

and the original and one true and correct copy of the same foregoing instruments

TO: Pollution Control Board  
309 West Washington  
Chicago, IL 60606

  
Patrick J. Chesley

RECEIVED

JUL 8 1980

POLLUTION CONTROL BOARD

STATE OF ILLINOIS )  
 )  
COUNTY OF CHRISTIAN ) SS

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
vs. ) PCB 76-241  
 )  
GEORGIA-PACIFIC CORPORATION, )  
a Georgia Corporation, )  
 )  
Respondent. )

ORDER ALLOWING MOTION TO AMEND COMPLAINT AND  
FILE SECOND AMENDED COMPLAINT

This matter coming on upon MOTION TO AMEND COMPLAINT  
and to file SECOND AMENDED COMPLAINT, the Hearing Officer  
finds:

1. No objection to said MOTION TO AMEND COMPLAINT  
and file SECOND AMENDED COMPLAINT has been filed by Respon-  
dent or its counsel and notice of said motion was properly  
given.

2. Leave was previously granted by the Pollution Con-  
trol Board on October 31, 1978 to file amended complaint.

It is therefore ordered by the Hearing Officer that the  
MOTION TO AMEND COMPLAINT and to file SECOND AMENDED COMPLAINT  
as on file is hereby granted.

---

  
A. Paul Rosche, Jr.  
Hearing Officer

Dated this 15th day of June, 1980



RECEIVED

JUL 17 1980

RECEIVED

JUL 17 1980

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

# THE BREEZE PRINTING CO.

A Corporation organized and existing under and by virtue of the laws of the state of Illinois does HEREBY CERTIFY, that it is the publisher

OF THE

## BREEZE-COURIER

That said BREEZE-COURIER is a secular newspaper and has been published daily in the City of Taylorville, County of Christian and State of Illinois, continuously for more than six months prior to, on and since the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said County and State.

That a notice, of which the annexed printed slip is a true copy, was published one times in said Breeze-Courier namely once each week for one successive weeks, and that the first publication of said notice as aforesaid was made in said newspaper dated and published on the 7<sup>th</sup> day of June, A. D. 1980 and the last publication thereof was made in said newspaper dated and published on the 7<sup>th</sup> day of June, A. D. 1980.

IN WITNESS WHEREOF, the undersigned, the said THE BREEZE PRINTING COMPANY has caused this certificate to be signed by JAMES FRANK COOPER, its President this 3 day of July, A. D. 1980.

THE BREEZE PRINTING COMPANY

By James Frank Cooper President.

(Publication Fee \$ 4.20)

ILLINOIS POLLUTION CONTROL BOARD  
NOTICE OF HEARING  
Public notice is hereby given that the Pollution Control Board will held a public hearing in the matter of PCB 76-241, EPA v. Georgia Pacific Corp. on July 31, 1980 at 10:00 A.M. in the Board of Review room in the Courthouse in Taylorville, Illinois.  
Jacob D. Dumelle  
Chairman  
June 7, 1980

Original Do Not Remove

PCB 76-241

Original Do Not Remove

A. PAUL ROSCHE, JR.  
ATTORNEY AT LAW  
100 SOUTH MAIN STREET  
HILLSBORO, ILLINOIS 62049

TELEPHONE: 217/532-2155  
217/532-2177

October 20, 1980

Ms. Christan L. Moffett, Clerk  
Illinois Pollution Control Board  
309 West Washington Street, Suite 300  
Chicago, Illinois 60606

Re: PCB76-241  
EPA vs. Georgia-Pacific Corporation


Dear Ms. Moffett:

The above-entitled case is set for Hearing on Friday, October 31, 1980 at 10:00 a.m. at the Christian County Courthouse in Taylorville, Illinois. Please arrange to have a Reporter present at said time.

The matter was previously set for Friday, October 23, 1980; however, the Stipulation has not been signed and returned as well as counsel for the Respondent has to be in Chicago, Illinois on that date.

Please note the change and advise if a problem arises.

Respectfully,

  
A. Paul Rosche, Jr.  
Attorney at Law

APR/mf


cc: Hershey, Bliss, Beavers, Periard & Romano  
Patrick J. Chesley

A-E

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RECEIVED

  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD  
62706

POLLUTION CONTROL BOARD

December 8, 1980

Ms. Christan L. Moffett, Clerk  
Illinois Pollution Control Board  
309 West Washington Street  
Chicago, IL 60606

RE: EPA vs. Georgia-Pacific Corp.  
PCB 76-251

Dear Ms. Moffett:

Enclosed please find the original and nine copies  
of the Statement of Stipulated Settlement in the above  
captioned case for filing.

Sincerely,

A handwritten signature in cursive script that reads "Patrick J. Chesley".

Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

PJC:kd

Enclosures



1. The Respondent is, and at all times pertinent to the Second Amended Complaint has been, a corporation organized under the laws of Georgia and is and has been qualified to do business in the State of Illinois.

2. During the relevant time, the Respondent engaged in the business of stationery paper manufacturing, at a mill located at Elm Street and Hopper Drive, in Taylorville, Christian County, Illinois (hereinafter the "mill").

3. Since at least August 13, 1974 the Respondent owned and operated a sewage treatment facility located Southeast of Taylorville on the Southeast side of Illinois Route 48 approximately three quarters of a mile Southwest of the junction of Illinois Route 48 and Illinois Route 29, Christian County, Illinois (hereinafter "the facility").

4. Originally the facility included, among other things, two 40 acre lagoons which are referred to as lagoons one and two.

5. Wastewater from the mill flows to the facility.

6. Since at least August 13, 1974 odors have intermittently been generated by the facility and have been carried by the wind to the homes of nearby residents.

7. Frequently in the summer months since August 13, 1974 and also intermittently at other times the presence of the odors originating from the facility have caused air pollution.

8. In the summer of 1980 the intensity and frequency of odors from the facility were less than in prior years.

9. The Respondent's facility was built pursuant to a construction permit issued by the Sanitary Water Board in 1959.

10. On or before December 9, 1979 the Respondent installed aerators at its facility without a permit and such action constituted a deviation from approved plans as defined by Rule 1.04 of Article I of the Sanitary Water Board's Rules and Regulations, continued in effect by Section 49(c) of the Act. The Respondent was issued a permit to operate the aerators at its facility on February 28, 1977.

11. The lagoons at the facility are designed so that a discharge occurs from the second lagoon via a point source into the South Fork of the Sangamon River.

12. The Respondent has control over the discharge referred to in the last Paragraph.

13. The South Fork of the Sangamon River is a navigable water as that term is used in the Water Pollution Control Act, 33 U.S.C. 1251 et seq.

14. The South Fork of the Sangamon River is a water of the State of Illinois as that phrase is used in the Illinois Environmental Protection Act.

15. The Respondent was issued NPDES Permit No. IL 0035556 (hereinafter the "Permit") on June 10, 1977 by the United States Environmental Protection Agency for the above described discharge to the South Fork of the Sangamon River.

16. The Permit expired on April 30, 1978.

17. The Respondent timely filed a renewal application for its NPDES Permit for the above described discharge but has not been issued a new NPDES Permit.

18. The Permit required that after July 1, 1977, the wastewater discharge to the South Fork of the Sangamon River described above must meet the following effluent limitations:

	<u>Daily Average</u>	<u>Daily Maximum</u>
BOD <sub>5</sub>	4 mg/l	10 mg/l
Total Suspended Solids	5 mg/l	12 mg/l

19. On October 24, 1977 the Illinois Pollution Control Board filed with the Secretary of State, a copy of the letter approving the Illinois NPDES program by the Administrator of the USEPA thereby effectuating Water Pollution Rules 410 and 901.

20. The wastewater discharged from the second lagoon at the facility had the following effluent concentrations for the months listed:

		<u>BOD<sub>5</sub></u> <u>Daily Average</u>	<u>Suspended Solids</u> <u>Daily Average</u>
November	1977	173 mg/l	10 mg/l
December	1977	177 mg/l	13 mg/l
January	1978	159 mg/l	7 mg/l
February	1978	176 mg/l	42 mg/l
March	1978	170 mg/l	45 mg/l
April	1978	131 mg/l	44 mg/l
May	1978	121 mg/l	61 mg/l
June	1978	112 mg/l	71 mg/l
July	1978	83 mg/l	104 mg/l
August	1978	95 mg/l	82 mg/l
September	1978	105 mg/l	96 mg/l
October	1978	110 mg/l	90 mg/l
November	1978	125 mg/l	77 mg/l
December	1978	135 mg/l	60 mg/l
January	1979	139 mg/l	54 mg/l
February	1979	152 mg/l	56 mg/l
March	1979	86 mg/l	48 mg/l
April	1979	50 mg/l	664 mg/l
May	1979	10 mg/l	14 mg/l
June	1979	15 mg/l	42 mg/l
July	1979	35 mg/l	33 mg/l

21. In September and October of 1979 the discharges from the second lagoon at the facility caused the South Fork of the Sangamon River to appear red or pink.

22. On October 16, 1979 the Illinois Environmental Protection Agency took water samples pertaining to the facility. The analysis of these samples produced the following results:

Dissolved Oxygen Levels

- a) 200 yards upstream in the South Fork 10.0 mg/l
- b) effluent from the facility .7 mg/l
- c) 1/2 mile downstream in the South Fork 3.4 mg/l

23. The cause of the South Fork of the Sangamon River being turned red or pink was a rupture in the baffle in lagoon two. This rupture, which has since been repaired, allowed the wastewater to be discharged without sufficient retention time.



24. Several private residences have attached their sewer lines to the line which carries wastewater from the mill to the facility. These connections occurred without the knowledge or permission of the Respondent.

25. Since 1976 the Complainant and the Respondent have been engaged in negotiations to agree on a solution to solve the odor and effluent problems from the facility. One proposed long range solution is for the Respondent to discontinue the use of the facility and to discharge its wastewater from the mill into the Taylorville Sanitary District. An interim program to abate the odor and effluent problem from the facility, as set forth in the Proposal for Settlement, has been agreed to by the parties. The Respondent already has expended approximately \$60,000 on the interim program and anticipates that an additional \$60,000 will be necessary to complete it.

#### PROPOSAL FOR SETTLEMENT

A. The Parties agree that this Stipulation of Facts and Proposal for Settlement is being made to avoid protracted hearings and that the public interest would best be served by the resolution of this cause pursuant to the terms and conditions herein provided.

B. It is understood and agreed by the Parties that all stipulations made herein shall be without legal ef-

fect and the Parties respectively reserve their rights to pursue and defend this matter in the event that this Stipulation of Facts and Proposal for Settlement is not accepted in its entirety by the Pollution Control Board.

C. The Respondent agrees to discontinue the use of the facility as soon as its wastewater from the mill is discharged into the Taylorville Sanitary District. If, prior to beginning to discharge to the Taylorville Sanitary District, the Respondent determines that such alternative is economically infeasible, Respondent shall immediately so notify the Agency in writing and within 3 months shall submit to the Agency and the Board for their approval a plan and schedule to achieve compliance with all applicable permit and regulatory requirements as expeditiously as practical.

D. The Parties agree that in the period until the tie-in to the Taylorville Sanitary District the Respondent will take the following steps:

- i) Lime will be added at the rate of 250 pounds per day to the wastewater which flows from the mill to the facility except when pH in the lagoon is greater than seven.
- ii) Part of old lagoon one will be used for the construction of 3/4 acre presettling ponds. After each presettling pond has filled with settled solids, the flow from the mill to such pond will be diverted to a new presettling pond. After they are no longer needed, every existing presettling pond which is now full and every presettling pond

that is used in the future will be covered with dirt, fertilized, and a vegetative growth established within one year, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation.

- iii) The influent pipe to the intermediate settling pond, located within old lagoon one, will be located so as to minimize short circuiting. Whenever the intermediate settling pond is no longer needed, it will be covered with dirt, fertilized and a vegetative growth established within one year, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation.
- iv) Any area of lagoon one that is not used for presettling or intermediate settling ponds will be covered with at least one foot of dirt, fertilized, and a vegetative growth established within one year, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation. A dewatering pit will be constructed in this area to keep the water level as low as possible. Water from this pit will be pumped into the intermediate settling pond.
- v) All seeding and fertilization is to be done by applying 500 pounds per acre of 10-10-10 fertilizer and 50 pounds per acre of tall fescue seed mix.
- vi) The baffle in lagoon two will be maintained in a condition so that no flow is allowed to go through or over the baffle. Five aerators with a combined

horse power of 70 will be operated in lagoon two and located so as to maximize their efficiency. The relocation of any aerator in lagoon two will not require a construction permit from the Agency. The inflow to lagoon two will be located so as to minimize short circuiting.

vii) The Respondent's effluent from lagoon two to the South Fork of the Sangamon River shall not exceed the following limits:

BOD <sub>5</sub>	80 mg/l Maximum average allowed for one month April - November
	100 mg/l Average: December - March
	150 mg/l Maximum average allowed for one month December - March
TSS	60 mg/l Maximum average allowed for one month November - May
	80 mg/l Average: July - October
	120 mg/l Maximum average allowed for one month July - October

E. The Parties agree that, once the wastewater from the mill is tied-into the Taylorville Sanitary District, lagoon two will be drained by pumping the liquid to irrigate the vegetative growth in lagoon one. After lagoon two is drained, it will be covered, fertilized and a vegetative growth established within one year in the same manner as used for lagoon one, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation. If this abandonment plan for lagoon two proves infeasible, impractical or is found to cause a violation of the Act or regulations, then the Parties agree to meet and discuss alternative solutions.

F. The Respondent agrees to obtain all necessary permits from the Environmental Protection Agency to accomplish the provisions of this Proposal for Settlement and agrees to construct and operate any equipment or facility in accordance with the conditions of such permits.

G. The Parties stipulate that the Respondent will pay a \$10,000 fine in settlement of all the issues raised in the Second Amended Complaint.

WHEREFORE, the Parties jointly pray that the Pollution Control Board adopt and accept this Stipulation of Facts and Proposal for Settlement as written and Order the Respondent to comply with the terms and provisions of the Proposal for Settlement stated above.

GEORGIA-PACIFIC

DATED: Nov 25, 1980

BY:  JSP

ENVIRONMENTAL PROTECTION AGENCY

DATED: November 5, 1980

BY: 

CERTIFICATE OF SERVICE


I hereby certify that I did on the 8th day of December, 1980, send by First Class Mail, with postage thereon fully pre-paid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instrument entitled STIPULATION OF FACTS AND PROPOSAL FOR SETTLEMENT

TO: Mr. Richard Horder  
2310 Parklake Drive, N.E.  
P.O. Box 105041  
Atlanta, GA 30348

Mr. A. Paul Rosche, Jr.  
109 South Main Street  
Hillsboro, IL 62049

and the original and nine true and correct copies of the same foregoing instruments

TO: Pollution Control Board  
309 West Washington Street  
Chicago, IL 60606

  
Patrick J. Chesley

RECEIVED

DEC 30 1980

STATE OF ILLINOIS )  
 )  
COUNTY OF CHRISTIAN )

POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )

Complainant, )

vs. )

PCB 76-241

GEORGIA - PACIFIC CORPORATION, )

a Georgia Corporation, )

Respondent. )

STIPULATION OF FACTS AND PROPOSAL FOR SETTLEMENT

NOW COMES the ENVIRONMENTAL PROTECTION AGENCY, Complainant, by its attorney, Tyrone C. Palmer, Attorney General of the State of Illinois and GEORGIA-PACIFIC CORPORATION, Respondent, by its attorneys, Charles Bliss and Richard Horder, and set forth the following as an agreed Stipulation of Facts and Proposal for Settlement.

STIPULATION OF FACTS

The parties agree and stipulate that if this matter would have proceeded to a hearing the following evidence would have been presented:

1. The Respondent is, and at all times pertinent to the Second Amended Complaint has been, a corporation organized under the laws of Georgia and is and has been qualified to do business in the State of Illinois.

2. During the relevant time, the Respondent engaged in the business of stationery paper manufacturing, at a mill located at Elm Street and Hopper Drive, in Taylorville, Christian County, Illinois (hereinafter the "mill").

3. Since at least August 13, 1974 the Respondent owned and operated a sewage treatment facility located Southeast of Taylorville on the Southeast side of Illinois Route 48 approximately three quarters of a mile Southwest of the junction of Illinois Route 48 and Illinois Route 29, Christian County, Illinois (hereinafter "the facility").

4. Originally the facility included, among other things, two 40 acre lagoons which are referred to as lagoons one and two.

5. Wastewater from the mill flows to the facility.

6. Since at least August 13, 1974 odors have intermittently been generated by the facility and have been carried by the wind to the homes of nearby residents.

7. Frequently in the summer months since August 13, 1974 and also intermittently at other times the presence of the odors originating from the facility have caused air pollution.



8. In the summer of 1980 the intensity and frequency of odors from the facility were less than in prior years.

9. The Respondent's facility was built pursuant to a construction permit issued by the Sanitary Water Board in 1959.

10. On or before December 9, 1970 the Respondent installed aerators at its facility without a permit and such action constituted a deviation from approved plans as defined by Rule 1.04 of Article I of the Sanitary Water Board's Rules and Regulations, continued in effect by Section 49(c) of the Act. The Respondent was issued a permit to operate the aerators at its facility on February 28, 1977.

11. The lagoons at the facility are designed so that a discharge occurs from the second lagoon via a point source into the South Fork of the Sangamon River.

12. The Respondent has control over the discharge referred to in the last Paragraph.

13. The South Fork of the Sangamon River is a navigable water as that term is used in the Water Pollution Control Act, 33 U.S.C. 1251 et seq.

14. The South Fork of the Sangamon River is a water of the State of Illinois as that phrase is used in the Illinois Environmental Protection Act.

15. The Respondent was issued NPDES Permit No. IL 0035556 (hereinafter the "Permit") on June 10, 1977 by the United States Environmental Protection Agency for the above described discharge to the South Fork of the Sangamon River.

16. The Permit expired on April 30, 1978.

17. The Respondent timely filed a renewal application for its NPDES Permit for the above described discharge but has not been issued a new NPDES Permit.

18. The Permit required that after July 1, 1977, the wastewater discharge to the South Fork of the Sangamon River described above must meet the following effluent limitations:

	<u>Daily Average</u>	<u>Daily Maximum</u>
BOD <sub>5</sub>	4 mg/l	10 mg/l
Total Suspended Solids	5 mg/l	12 mg/l

19. On October 24, 1977 the Illinois Pollution Control Board filed with the Secretary of State, a copy of the letter approving the Illinois NPDES program by the Administrator of the USEPA thereby effectuating Water Pollution Rules 410 and 901.

20. The wastewater discharged from the second lagoon at the facility had the following effluent concentrations for the months listed:

		<u>30-day</u> <u>Daily Average</u>	<u>Suspended Solids</u> <u>Daily Average</u>
November	1977	177 mg/l	10 mg/l
December	1977	177 mg/l	13 mg/l
January	1978	179 mg/l	7 mg/l
February	1978	176 mg/l	42 mg/l
March	1978	170 mg/l	45 mg/l
April	1978	131 mg/l	44 mg/l
May	1978	121 mg/l	61 mg/l
June	1978	112 mg/l	71 mg/l
July	1978	83 mg/l	104 mg/l
August	1978	95 mg/l	82 mg/l
September	1978	105 mg/l	96 mg/l
October	1978	110 mg/l	90 mg/l
November	1978	125 mg/l	77 mg/l
December	1978	135 mg/l	60 mg/l
January	1979	139 mg/l	54 mg/l
February	1979	152 mg/l	56 mg/l
March	1979	86 mg/l	48 mg/l
April	1979	50 mg/l	664 mg/l
May	1979	10 mg/l	14 mg/l
June	1979	15 mg/l	42 mg/l
July	1979	35 mg/l	33 mg/l

21. In September and October of 1979 the discharges from the second lagoon at the facility caused the South Fork of the Sangamon River to appear red or pink.

22. On October 16, 1979 the Illinois Environmental Protection Agency took water samples pertaining to the facility. The analysis of these samples produced the following results:

Dissolved Oxygen Levels

- a) 200 yards upstream in the South Fork 10.0 mg/l
- b) effluent from the facility .7 mg/l
- c) 1/2 mile downstream in the South Fork 3.4 mg/l

23. The cause of the South Fork of the Sangamon River being turned red or pink was a rupture in the baffle in lagoon two. This rupture, which has since been repaired, allowed the wastewater to be discharged without sufficient retention time.

24. Several private residences have attached their sewer lines to the line which carries wastewater from the mill to the facility. These connections occurred without the knowledge or permission of the Respondent.

25. Since 1976 the Complainant and the Respondent have been engaged in negotiations to agree on a solution to solve the odor and effluent problems from the facility. One proposed long range solution is for the Respondent to discontinue the use of the facility and to discharge its wastewater from the mill into the Taylorville Sanitary District. An interim program to abate the odor and effluent problem from the facility, as set forth in the Proposal for Settlement, has been agreed to by the parties. The Respondent already has expended approximately \$60,000 on the interim program and anticipates that an additional \$60,000 will be necessary to complete it.

#### PROPOSAL FOR SETTLEMENT

A. The Parties agree that this Stipulation of Facts and Proposal for Settlement is being made to avoid protracted hearings and that the public interest would best be served by the resolution of this cause pursuant to the terms and conditions herein provided.

B. It is understood and agreed by the Parties that all stipulations made herein shall be without legal ef-

fect and the Parties respectively reserve their rights to pursue and defend this matter in the event that this Stipulation of Facts and Proposal for Settlement is not accepted in its entirety by the Pollution Control Board.

C. The Respondent agrees to discontinue the use of the facility as soon as its wastewater from the mill is discharged into the Taylorville Sanitary District. If, prior to beginning to discharge to the Taylorville Sanitary District, the Respondent determines that such alternative is economically infeasible, Respondent shall immediately so notify the Agency in writing and within 3 months shall submit to the Agency and the Board for their approval a plan and schedule to achieve compliance with all applicable permit and regulatory requirements as expeditiously as practical.

D. The Parties agree that in the period until the tie-in to the Taylorville Sanitary District the Respondent will take the following steps:

- i) Lime will be added at the rate of 250 pounds per day to the wastewater which flows from the mill to the facility except when pH in the lagoon is greater than seven.
- ii) Part of old lagoon one will be used for the construction of 3/4 acre presettling ponds. After each presettling pond has filled with settled solids, the flow from the mill to such pond will be diverted to a new presettling pond. After they are no longer needed, every existing presettling pond which is now full and every presettling pond

that is used in the future will be covered with dirt, fertilized, and a vegetative growth established within one year, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation.

- iii) The influent pipe to the intermediate settling pond, located with the old lagoon one, will be located so as to minimize short circuiting. Whenever the intermediate settling pond is no longer needed, it will be covered with dirt, fertilized and a vegetative growth established within one year, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation.
- iv) Any area of lagoon one that is not used for presettling or intermediate settling ponds will be covered with at least one foot of dirt, fertilized, and a vegetative growth established within one year, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation. A dewatering pit will be constructed in this area to keep the water level as low as possible. Water from this pit will be pumped into the intermediate settling pond.
- v) All seeding and fertilization is to be done by applying 500 pounds per acre of 10-10-10 fertilizer and 50 pounds per acre of tall fescue seed mix.
- vi) The baffle in lagoon two will be maintained in a condition so that no flow is allowed to go through or over the baffle. Five aerators with a combined

horse power or 70 will be operated in lagoon two and located so as to maximize their efficiency. The relocation of any aerator in lagoon two will not require a construction permit from the Agency. The inflow to lagoon two will be located so as to minimize short circuiting.

vii) The Respondent's effluent from lagoon two to the South Fork of the Sangamon River shall not exceed the following limits:

BOD <sub>5</sub>	80 mg/l Maximum average allowed for one month April - November
	100 mg/l Average: December - March
	150 mg/l Maximum average allowed for one month December - March
TSS	60 mg/l Maximum average allowed for one month November - May
	80 mg/l Average: July - October
	120 mg/l Maximum average allowed for one month July - October

E. The Parties agree that, once the wastewater from the mill is tied-into the Taylorville Sanitary District, lagoon two will be drained by pumping the liquid to irrigate the vegetative growth in lagoon one. After lagoon two is drained, it will be covered, fertilized and a vegetative growth established within one year in the same manner as used for lagoon one, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation. If this abandonment plan for lagoon two proves infeasible, impractical or is found to cause a violation of the Act or regulations, then the Parties agree to meet and discuss alternative solutions.

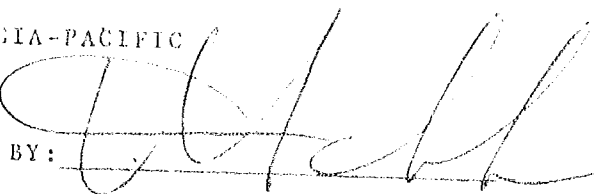
F. The Respondent agrees to obtain all necessary permits from the Environmental Protection Agency to accomplish the provisions of this Proposal for Settlement and agrees to construct and operate any equipment or facility in accordance with the conditions of such permits.

G. The Parties stipulate that the Respondent will pay a \$10,000 fine in settlement of all the issues raised in the Second Amended Complaint.

WHEREFORE, the Parties jointly pray that the Pollution Control Board adopt and accept this Stipulation of Facts and Proposal for Settlement as written and Order the Respondent to comply with the terms and provisions of the Proposal for Settlement stated above.

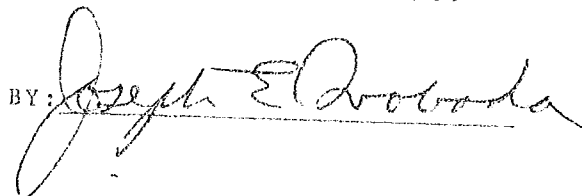
GEORGIA-PACIFIC

DATED: Nov 25, 1980

BY: 

ENVIRONMENTAL PROTECTION AGENCY

DATED: November 5, 1980

BY: 



CERTIFICATE OF SERVICE

I hereby certify that I did on the 24th day of December, 1980, send by First Class Mail with postage thereon fully prepaid in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instrument entitled NOTICE, PROPOSAL FOR SETTLEMENT

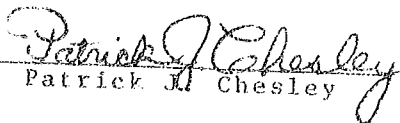
TO: Paul Rosche  
Hearing Officer  
109 South Main Street  
Hillsboro, IL 62049

Mr. Charles Bliss  
221 W. Main Cross  
Taylorville, IL 62568

Rick Hoerder  
Regional Counsel  
Georgia-Pacific Corp.  
2310 Park Lake Drive, N.E.  
P.O. Box 105041  
Atlanta, Georgia 30348

and the original and nine true and correct copies of the same foregoing instruments

TO: Pollution Control Board  
309 West Washington  
Chicago, IL 60606.

  
Patrick J. Chesley

STATE OF ILLINOIS )  
COUNTY OF CHRISTIAN )

RECEIVED  
FEB 04 1981

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
Complainant, )

vs. )

GEORGIA - PACIFIC CORPORATION, a Georgia )  
corporation, )  
Respondent. )

PCB 76-241

NOTICE

TO: Charles Bliss  
221 W. Main Cross  
Taylorville, IL 62568

Richard A. Horder  
2310 Parklake Drive N.E.  
P.O. Box 105041  
Atlanta, Georgia 30348

PLEASE TAKE NOTICE that I have today mailed for fil-  
ing the attached Motion to Correct Clerical Error with the  
Clerk of the Pollution Control Board, a copy of which is here-  
with served upon you.

ENVIRONMENTAL PROTECTION AGENCY

BY: TYRONE C. FAHNER  
ATTORNEY GENERAL

BY: Patrick J. Chesley  
Patrick J. Chesley  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, IL 62706  
(217) 782-9033

DATED: February 2, 1981

STATE OF ILLINOIS }  
COUNTY OF CHRISTIAN }

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, }

Complainant, }

vs. }

GEORGIA - PACIFIC CORPORATION, a Georgia }

Respondent. }

PCB 76-241

MOTION TO CORRECT CLERICAL ERROR

NOW COME the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by its attorney, TYRONE C. FAHNER, Attorney General of the State of Illinois and Respondent, GEORGIA - PACIFIC, by its attorney, Richard A. Horder, and jointly move the Pollution Control Board to correct two clerical errors in the Stipulation of Facts and Proposal for Settlement (hereinafter "prior Stipulation"). In support of this Motion the Parties state as follows:

1. On page 9 of the prior Stipulation in Paragraph D(vi) the combined horsepower of the aerators in lagoon two was mistakenly typed as 70. It should read that the combined horsepower of all aerators will be 80 horsepower.

2. On page 9 of the prior stipulation in Paragraph D(vii) the time period for the 80 mg/l limit for TSS was mis-

takenly typed as July - October. The correct time period for the 80 mg/l TSS limitation should be from June - October.

3. A corrected original and nine copies of the corrected page 9 are attached.

WHEREFORE, the Parties pray that the Pollution Control Board will allow the Parties to substitute the corrected page 9 for the old page 9 of the prior Stipulation.

ENVIRONMENTAL PROTECTION AGENCY

BY: TYRONE C. FAHNER  
ATTORNEY GENERAL

BY: Patrick J. Chesley  
Patrick J. Chesley

GEORGIA - PACIFIC

BY: Richard A. Horder  
Richard A. Horder

horse power of 80 will be operated in lagoon two, and located so as to maximize their efficiency. The relocation of any aerator in lagoon two will not require a construction permit from the Agency. The inflow to lagoon two will be located so as to minimize short circuiting.

vii) The Respondent's effluent from lagoon two to the South Fork of the Sangamon River shall not exceed the following limits:

BOD<sub>5</sub>

80 mg/l Maximum average allowed for one month April - November  
100 mg/l Average: December - March  
150 mg/l Maximum average allowed for one month December - March

TSS

60 mg/l Maximum average allowed for one month November - May  
80 mg/l Average: June - October  
120 mg/l Maximum average allowed for one month July - October

E. The Parties agree that, once the wastewater from the mill is tied-into the Taylorville Sanitary District, lagoon two will be drained by pumping the liquid to irrigate the vegetative growth in lagoon one. After lagoon two is drained, it will be covered, fertilized and a vegetative growth established within one year in the same manner as used for lagoon one, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation. If this abandonment plan for lagoon two proves infeasible, impractical or is found to cause a violation of the Act or regulations, then the Parties agree to meet and discuss alternative solutions.

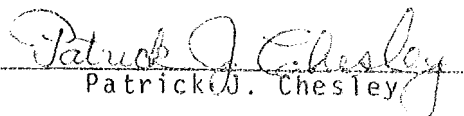
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 2nd day of February, 1981, send by First Class Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled NOTICE and MOTION TO CORRECT CLERICAL ERROR

TO:	Charles Bliss	Richard A. Horder
	221 W. Main Cross	2310 Parklake Drive N.E.
	Taylorville, IL 62568	P.O. Box 105041
		Atlanta, Georgia 30348

and the original and nine true and correct copies of the same foregoing instruments

TO: Pollution Control Board  
309 W. Washington Street  
Chicago, IL 60606.

  
Patrick J. Chesley

12-17-82 10:10 AM  
Georgia-Pacific Corporation

Law Department

Beverly V. Gholson  
Attorney

Clerk,  
Illinois Pollution Control  
Board  
309 West Washington Street  
Suite 300  
Chicago, Illinois 60606

Re: Georgia-Pacific Corporation, Petition for Variance,  
PCB 76-241

Dear Sir:

Enclosed please find ten copies of a Petition for Variance to be filed with the Illinois Pollution Control Board pursuant to the Board's Procedural Rules. Also, please note that one of the attachments to the Petition of Variance is in the form of an Application for Nondisclosure. In accordance with Section 107 of the Procedural Rules, only one copy of the material for non-disclosure is included.

If you have any questions, please give me a call at (404) 491-6568. After August 2, 1982, my telephone number will be (404) 521-4810.

Yours truly,

*Beverly V. Gholson*  
Beverly V. Gholson  
Attorney

BVG:jb

Enclosures

cc: Mr. Gary King  
Senior Attorney  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706  
Mr. S. E. Hodgson, Taylorville, IL

2310 Parklake Drive, N. E.  
P. O. Box 105041  
Atlanta, Georgia 30348  
Telephone (404) 491-6568

RECEIVED

JUL 21 1982

POLLUTION CONTROL BOARD

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Original in file 100-100000

RECEIVED

AUG 05 1982

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD POLLUTION CONTROL BOARD

Georgia-Pacific Corporation ) PCB 76-241
Taylorville, Illinois )

AFFIDAVIT PETITION FOR VARIANCE

STATE OF ILLINOIS COUNTY OF CHRISTIAN

Sidney E. Hodgson, having been first duly sworn, deposes and says:

- 1. That he is the General Manager of the Georgia-Pacific Corporation facility at Elm Street and Hopper Drive in Taylorville, Illinois.
2. That he has read and knows the contents of the Georgia-Pacific Corporation Petition for Variance, PCB 76-241 which was mailed to the Clerk of the Illinois Pollution Control Board on July 19, 1982.
3. That the matters stated in the above-referenced Petition for Variance are true to the best of his knowledge, information, and belief.

By: [Signature] SIDNEY E. HODGSON

Date: August 4, 82

Subscribed and sworn to me before this 4th day of August, 1982.

[Signature] Notary Public

Notary Public in and for the County of Christian, State of Illinois. My commission expires on the 36th day of September, 1982.



RECEIVED

AUG 05 1982

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Georgia-Pacific Corporation )  
Taylorville, Illinois )

PCB 76-2 POLLUTION CONTROL BOARD

AFFIDAVIT  
PETITION FOR VARIANCE

STATE OF ILLINOIS  
COUNTY OF CHRISTIAN

Sidney E. Hodgson, having been first duly sworn,  
deposes and says:

1. That he is the General Manager of the Georgia-Pacific Corporation facility at Elm Street and Hopper Drive in Taylorville, Illinois.
2. That he has read and knows the contents of the Georgia-Pacific Corporation Petition for Variance, PCB 76-241 which was mailed to the Clerk of the Illinois Pollution Control Board on July 19, 1982.
3. That the matters stated in the above-referenced Petition for Variance are true to the best of his knowledge, information, and belief.

By: Sidney E. Hodgson  
SIDNEY E. HODGSON

Date: August 4, 82

Subscribed and sworn to me before this 4<sup>th</sup>  
day of August, 1982.

E. T. Perry  
Notary Public

Notary Public in and for the County of Christian, State  
of Illinois. My commission expires on the 26<sup>th</sup> day  
of September, 1982.

ILLINOIS POLLUTION CONTROL BOARD  
August 4, 1977


ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 76-241  
 )  
 )  
GEORGIA-PACIFIC CORPORATION, )  
a Georgia corporation, )  
 )  
Respondent. )

ORDER OF THE BOARD (by Mr. Goodman):

The Motion to Stay filed by the Environmental Protection Agency on July 14, 1977 is granted.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 4<sup>th</sup> day of August, 1977 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
November 16, 1978

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
GEORGIA-PACIFIC CORPORATION, )  
a Georgia Corporation, )  
 )  
Respondent. )

PCB 76-241


ORDER OF THE BOARD (by Mr. Dumelle):

On October 31, 1978 the Agency moved the Board to terminate the stay imposed by a prior Board Order dated August 4, 1977. The motion is hereby granted.

On October 31, 1978 the Agency requested leave to file an Amended Complaint in this case. The motion is hereby granted.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 16<sup>th</sup> day of November, 1978 by a vote of 3-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
April 2, 1981

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 76-241  
 )  
GEORGIA-PACIFIC CORPORATION, )  
a Georgia Corporation, )  
 )  
Respondent. )

PATRICK J. CHESLEY AND BRIAN E. REYNOLDS, ASSISTANT ATTORNEYS GENERAL,  
APPEARED ON BEHALF OF THE COMPLAINANT.

RICHARD A. HORDER, ATTORNEY AT LAW AND REGIONAL COUNSEL OF THE  
GEORGIA-PACIFIC CORPORATION, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the September 28, 1976 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). After various discovery motions were filed, the Agency filed a Motion to Stay the proceedings pending the approval of a grant to the Taylorville Sanitary District to expand its treatment plant (which would allow the Respondent to tie-in to the Taylorville sewer system).

In the Agency's Motion to Stay the proceedings in this case (which was filed on July 14, 1977), the affidavit of the Assistant Attorney General noted that:

"...The alleged odor problems caused by Georgia-Pacific are believed to come from two wastewater treatment lagoons. If the Taylorville Sanitary District's expansion grant is approved, then Georgia-Pacific will be able to discharge its wastewater to the Taylorville Sanitary District for treatment. Georgia-Pacific will then eliminate the lagoons by dewatering and covering, thus eliminating the odor problem.

...During the pendency of the approval of the grant, Georgia-Pacific has agreed to undertake interim steps to reduce its alleged odor problem. Georgia-Pacific has agreed to dewater the first of its twenty-five acre lagoons, then excavate, cover, and lime the sludge accumulations.

A small pre-settling pond will replace the first lagoon. Also, the two aerators from the first lagoon will be moved to the second lagoon. At the present time, Georgia-Pacific has almost completed dewatering the first lagoon.

...The Environmental Protection Agency feels that Georgia-Pacific has proceeded at an acceptable rate in accomplishing its interim solution...the grant applications made by the Taylorville Sanitary District...are being processed and...there appears to be no problem with approval...However, there still exists the possibility that problems could arise..."

On August 4, 1977, the Board granted the Agency's Motion to Stay. On October 31, 1978, the Agency filed a Motion to Terminate the Stay imposed by the prior Board Order of August 4, 1977 and filed a Motion for Leave to File an Amended Complaint and an Amended Complaint. On November 16, 1978, the Board granted the Agency's Motion to Terminate the Stay and granted the Agency's Motion for Leave to File an Amended Complaint. On November 5, 1979, the Agency filed a Motion to Amend the Complaint and a Second Amended Complaint. This motion was subsequently granted by the Hearing Officer in an Order dated June 15, 1980.

Count I of the Second Amended Complaint alleged that, intermittently from August 13, 1974 until November 5, 1979, the Georgia-Pacific Corporation (the "Company") allowed the improper discharge of odors from two lagoons at its sewage treatment facility in violation of Rule 102 of Chapter 2: Air Pollution Control Regulations ("Chapter 2") and Section 9(a) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, on or before December 9, 1970, the Company installed without a permit "certain equipment, including but not limited to aerators, which constituted a deviation from approved plans as defined by Rule 1.04 of Article I of the Sanitary Water Board's Rules and Regulations, continued in effect by Section 49(c) of the Environmental Protection Act," in violation of Section 12(b) of the Act.

Count III alleged that, from November 1, 1977 until November 5, 1979, the Company's wastewater discharges to the South Fork of the Sangamon River, a navigable Illinois water, were in excess of the effluent limitations in its NPDES Permit for BOD<sub>5</sub> and total suspended solids in violation of Rules 410(a) and 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Sections 12(a) and 12(f) of the Act.

Count IV alleged that, from September 17, 1979 until November 5, 1979, discharges from the Respondent's sewage treatment facility into the South Fork of the Sangamon River caused unnatural color and turbidity and caused dissolved oxygen levels to be less than 5.0 mg/l

in violation of Rule 402 of Chapter 3 and Section 12(a) of the Act.

A hearing was held on October 31, 1980. The parties filed a Stipulation and Proposal for Settlement on December 30, 1980.\* On February 4, 1981, the parties filed a Joint Motion to Correct Clerical Error which requested that the Board allow the parties to substitute a corrected page 9 for the old page 9 of the previously filed Stipulation of Facts and Proposal for Settlement. This motion will be granted.

The Georgia-Pacific Corporation is "engaged in the business of stationery paper manufacturing, at a mill located at Elm Street and Hopper Drive, in Taylorville, Christian County, Illinois." (Stip. 2). Wastewater from the Elm Street mill flows to the Company's sewage treatment plant which is "located Southeast of Taylorville on the Southeast side of Illinois Route 48 approximately three quarters of a mile Southwest of the junction of Illinois Route 48 and Illinois Route 29." (Stip. 2).

It is stipulated that "odors have intermittently been generated by the facility and have been carried by the wind to the homes of nearby residents" since "at least August 13, 1974". (Stip. 2). Additionally, the parties have agreed that odors from the plant have caused air pollution frequently during the summer months and intermittently at other times. (Stip. 2). However, the parties have indicated that the intensity and frequency of these odors diminished during the summer of 1980. (Stip. 3).

Although the Company originally installed aerators at its plant without a permit, on February 28, 1977 the Agency issued the Respondent a permit to operate these aerators. (Stip. 3). Subsequently, on June 10, 1977, the Agency issued an NPDES Permit for the Company to allow wastewater discharges from the lagoons at the plant (i.e., "a discharge occurs from the second lagoon via a point source into the South Fork of the Sangamon River"). (Stip. 3-4).

The parties have stipulated that effluent discharges often exceeded the NPDES Permit limitations for BOD<sub>5</sub> and total suspended solids during the time period from November, 1977 until November, 1979. (Stip. 4-5). Moreover, it is stipulated that discharges from the second lagoon at the Company's sewage treatment plant "caused the South Fork of the Sangamon River to appear red or pink" during September and October of 1979. Agency inspection and water sampling during this time period revealed that the cause of the red or pink color "was a rupture in the baffle in lagoon two. This rupture, which has since been repaired, allowed the wastewater to be discharged without sufficient retention time". (Stip. 5).

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\*Although the settlement agreement was not signed at the time of the hearing, the substance of the Stipulation filed on December 30, 1980 was presented. The Board finds that Procedural Rule 331 has been substantially complied with.

Compounding the environmental problems, various private homes attached their sewer lines to the main line which carries wastewater from the mill to the Company's sewage treatment plant. (Stip. 6; R. 45-46). These improper connections "occurred without the knowledge or permission of the Respondent." (Stip. 6).

The Company has already spent about \$60,000.00 on an Agency-approved interim program to eliminate the odor and effluent problems and "anticipates that an additional \$60,000 will be necessary to complete" this interim program. (Stip. 6).

Moreover, one proposed long-range solution to the odor and effluent problems is for the Company to entirely discontinue the use of its sewage treatment plant and to discharge wastewater from the mill directly into the Taylorville Sanitary District. (Stip. 6).

The proposed settlement agreement provides that the Company agrees to discontinue the use of its sewage treatment plant "as soon as its wastewater from the mill is discharged into the Taylorville Sanitary District." (Stip. 7). However, if the Company determines that this alternative is economically infeasible before starting to discharge to the Taylorville Sanitary District, the Company has agreed to immediately notify the Agency in writing of this situation. (Stip. 7). If this is the case, the Company has agreed that, within 3 months, it will submit an appropriate compliance plan and schedule to the Agency. (Stip. 7).

Additionally, the Company has agreed to take various specified steps to minimize environmental problems until the proposed tie-in to the Taylorville Sanitary District takes place. (Stip. 7). These measures include: (1) the addition of lime to the wastewater which flows from the mill; (2) the construction of presettling ponds; (3) the covering of specified areas with dirt and the subsequent seeding, fertilization, and the establishment of vegetative growth; (4) proper maintenance of the baffle in lagoon two; and (5) compliance with specified effluent limits for BOD<sub>5</sub> and total suspended solids discharged from lagoon two to the South Fork of the Sangamon River. (Stip. 7-9).

The Company and the Agency have also agreed that:

"...once the wastewater from the mill is tied-into the Taylorville Sanitary District, lagoon two will be drained by pumping the liquid to irrigate the vegetative growth in lagoon one. After lagoon two is drained, it will be covered, fertilized and a vegetative growth established within one year in the same manner as used for lagoon one, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation. If this abandonment plan for lagoon two proves infeasible, impractical or is found to cause a violation of the Act or regulations, then the Parties agree to meet and discuss alternative solutions." (Stip. 9).

Additionally, the Company has agreed to pay a stipulated penalty of \$10,000.00 and to obtain all the requisite permits necessary to accomplish the measures delineated in the proposed settlement agreement. (Stip. 10).

At the hearing, various witnesses testified pertaining to their views of the proposed Stipulation. Mr. John Musatto, an "environmentalist" and ex-employee and stockholder of Georgia-Pacific, testified that fishing and trapping activities in the South Fork of the Sangamon River had been adversely affected by the activities of either the Company or local farmers. (R. 27-28). Mr. Musatto expressed the opinion that he thought "the settlement is okay" but could not understand why matters took so long. (R. 29).

Mrs. Sandy McArdel testified that her house is a quarter mile north of the Company's lagoons and she was upset because she found out this year that her land was appraised 10% less because it was located near to the Company. (R. 31). She indicated that the Company was "supposed to be dumping lime" in the lagoons "to take care of the smell until they hook on to the Sanitary District" and indicated that the smell had not entirely cleared up after lime was dumped into the lagoons. (R. 31-33). In response to her concerns about the delays involved in this case, the Assistant Attorney General explained the various activities which delayed matters. (R. 34-36).

Mr. Gary Merker, a resident of Taylorville, testified that "the settlement, as proposed, to me sounds like a logical and workable solution". (R. 38).

Mr. Tony Laurenzana, a Taylorville resident, testified to the effect that there were odor problems during the summer which affected the prospective value of nearby land. (R. 41).

Mr. Richard Horder, the attorney for the Respondent, testified to present the Company's position on this matter. He stated that although the Respondent didn't really know what is causing the odor, there are about 25 to 30 people who improperly tied into the Respondent's sewage treatment system. (R. 45-46). Mr. Horder also testified that most of the delays were caused by factors which were beyond the control of the Company. (R. 46-48).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, the Georgia-Pacific Corporation, has violated Rule 102 of Chapter 2: Air Pollution Control Regulations, Rules 402, 410(a), and 901 of Chapter 3: Water Pollution Control Regulations, and Sections 9(a), 12(a), 12(b), and 12(f) of the Illinois Environmental Protection Act. The stipulated penalty of \$10,000.00 will be assessed against the Respondent.



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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, the Georgia-Pacific Corporation, has violated Rule 102 of Chapter 2: Air Pollution Control Regulations, Rules 402, 410(a), and 901 of Chapter 3: Water Pollution Control Regulations, and Sections 9(a), 12(a), 12(b), and 12(f) of the Illinois Environmental Protection Act.

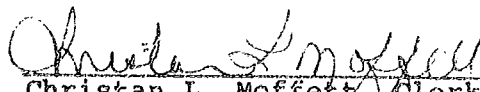
2. Within 60 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$10,000.00 which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed December 30, 1980, which is incorporated by reference as if fully set forth herein.

4. The Joint Motion to Correct a Clerical Error in the Stipulation of Facts and Proposal for Settlement filed by the parties on February 4, 1981 is hereby granted.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 2<sup>ND</sup> day of April, 1981 by a vote of 5-0.

  
\_\_\_\_\_  
Christian L. Moffett, Clerk  
Illinois Pollution Control Board

TRANSCRIPTS

CASE # PCB

76-241

ORIGINAL

RECEIVED

NOV 24 1980

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 - vs. - )  
 )  
 GEORGIA-PACIFIC CORPORATION, )  
 a Georgia Corporation, )  
 )  
 Respondent. )

PCB 70-241

The following is a transcript of a hearing held in the above-entitled matter at the Christian County Courthouse, Taylorville, Illinois, on Friday, the 31st day of October, A.D., 1980, commencing at the hour of ten o'clock a.m.

BEFORE:

Mr. A. Paul Rosche, Jr., Hearing Officer

APPEARANCES:

Hon. Tyrone C. Fanner, Attorney General for the State of Illinois, by:  
Mr. Patrick J. Chesley, and  
Mr. Brian E. Reynolds, Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
appeared for the Complainant;

Mr. Richard A. Horder,  
Regional Counsel  
Georgia-Pacific Corporation  
2310 Parklake Drive, N.E. - Suite 200  
Atlanta, Georgia 30345  
appeared for the Respondent.

I N D E X

EXHIBITS

Received

LONGORIA & SALDOSTINE - 10 SOUTH LA SALLE STREET - CHICAGO, ILLINOIS - (312) 236-1030

Respondent Exhibit  
1

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Also Present:

Members of the Public

Members of the Press

**Longoria & Goldstine**  
10 South LaSalle Street  
Chicago, Illinois 60603  
(312) 236-1030

HEARING OFFICER ROSCHE: On the record. In Case Number PCB 76-241, Environmental Protection Agency versus Georgia-Pacific Corporation. Parties are now ready to proceed at this time.

Counsel, you have given your name and address to the court reporter for the record?

MR. CHESLEY: Yes.

HEARING OFFICER ROSCHE: Fine. And all parties present are noted in the record.

I understand this matter comes on in accordance to notice letter October 20, 1980, wherein Attorney Bliss, as I understand, was notified to be present but at this time, is in the hospital; is that correct?

MR. HORDER: Yes. Your honor, I would like, for the record, to indicate that the attorney of record of Taylorville, Illinois, who was to represent us in this matter, entered the hospital due to a health emergency on Thursday evening and still is in the hospital.

HEARING OFFICER ROSCHE: As was indicated by me in my recent conversation, we had this matter

scheduled for hearing today. As I understand it, some type of instrument is to be submitted and I wouldn't want parties to be prejudiced by this illness. And in the event something occurs hereafter that you think effects this hearing, please notify me and we can reschedule it, if necessary.

At this time, we will proceed ahead.

I understand, Mr. Chesley, you have notified the parties who are entitled to notice to be here today; is that correct?

MR. CHESLEY: We have notified the citizens who have expressed an interest to us in the way of complaints about the operation. And pursuant to the Board's Procedural Rules, you know, have given notice to them. I believe several of them have shown up in the court today.

HEARING OFFICER ROSCHE: Those persons which you had information or gave you their address or number, you contacted them to be here today in accordance with the Procedural Rules?

MR. CHESLEY: Right.

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HEARING OFFICER ROSCHE: Then, the order of procedure would be, as set forth in Rule 318, if there are any preliminary matters, at this time, we would consider before proceeding with the case in chief.

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MR. CHESLEY: I would like to advise the Hearing Officer and the Board, at this time, that the parties to the case have reached an agreement or settlement. I will detail that agreement and settlement in the record for the citizens that are present so that they might comment on it. However --

HEARING OFFICER ROSCHE: Close the back door, please.

MR. CHESLEY: However, the document at this point has not been reduced to writing and signed by all the parties. But we have agreed in substance to what it will contain. We had a draft and a re-draft, and the language has been agreed to. It's just a question now, at this point, of getting it typed up and signed by the appropriate officials and submitted. That will be done as expeditiously as possible.



I think Mr. Horder would agree that's the state of the case at this point.

MR. HORDER: Yes. And I would like to add that I don't expect -- it has not been reviewed by the billing office people, for instance, and some other environmental people that need to look at it. But I feel there isn't going to be any change that would take place in the agreement with the Illinois Environmental Protection Agency. But I don't think there will be any changes.

HEARING OFFICER ROSCHE: All right, gentlemen. Rule 331 generally requires a written statement signed by all parties to be found at the time of the hearing. As you have explained, we have had several problems with Mr. Bliss in the hospital. Also, the logistics concerning your corporate offices in Atlanta --

MR. HORDER: I had not intended to attend this meeting until 3:00 o'clock yesterday afternoon.

HEARING OFFICER ROSCHE: Okay. So, do we have any additional copies of that proposed settlement that the public here could examine today,

and state for the record tentatively what it is?

MR. CHESLEY: I don't have one right now. I have the documents that were sent with the changes from the Environmental Protection Agency on it. I have a letter returned from Georgia-Pacific with their changes and the revisions that we have made to those. So, all it would take -- it's three pieces of paper. Certainly, I have no problem with the public looking at it.

I can attempt to write it all down on one piece of paper --

MR. HORDER: Maybe we should read it into the record, your honor.

HEARING OFFICER ROSCHE: Should we take --

MR. CHESLEY: I can read it in the record right now.

HEARING OFFICER ROSCHE: If you want a brief recess to compile it, these folks can make notes.

MR. CHESLEY: I can read it in the record; and if anybody has any questions, I will give you a piece of paper and you can write it down or stop me when I am reading. How would that be?

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MR. MUSATTO: This is a hearing on Georgia-Pacific; isn't it?

MR. CHESLEY: That's correct.

HEARING OFFICER ROSCHE: Strike that

This should be on the record. At this point, this is the Environmental Protection Agency case based on the complaint filed by the Attorney General's Office against Georgia-Pacific.

MR. MUSATTO: Why hasn't this hearing been advertised in the paper?

HEARING OFFICER ROSCHE: It was, sir. It was originally advertised in July. And the original notice was --

MR. MUSATTO: Of today's meeting?

HEARING OFFICER ROSCHE: Listen. The way this works, these hearings go on and on. The state can't pay for all the publication.

How it works is the paper is notified or you have your address on file, you will be notified from the Attorney General's Office as to each hearing.

MR. MUSATTO: I was notified in July of a

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hearing. Then I was called again later that the hearing was postponed., And all they said was it was set for another date. I also was notified that the hearing was postponed in September. I am not sure whether they had it again on the agenda, for this time, for October. I made sure that it was for today, and I called the Attorney General's Office and asked for Pat Chesley there, whoever he is, if the hearing was still on; and I was told it was. Now, otherwise, I wouldn't have known that the hearing was still on. I wouldn't have known if it was postponed.

HEARING OFFICER ROSCHE: Your request is a legislative matter: Why don't they change the law so that each hearing is published in the paper?

That might be a good idea. That's not presently the law as it's handled at this time; but it may be a good point if they could change it.

MR. CHESLEY: Is it all right for me to read this?

HEARING OFFICER ROSCHE: Certainly.

MR. CHESLEY: The document would be entitled

Stipulation of Facts and Proposal for Settlement.

It would recite that now comes the Environmental Protection Agency, Complainant, by its attorney, Tyrone Fahner, Attorney General of the State of Illinois, and Georgia-Pacific Corporation, the Respondent, by its attorneys Charles Bliss and Richard Horder, has set forth the following as an agreed stipulation of facts and proposal for settlement. The Stipulation of Facts would read: The parties agree and stipulate that if this matter would have proceeded to a hearing, the following evidence would have been presented. The Respondent is and at all times pertinent to the second amended complaint has been a corporation organized under the laws of Georgia and is and has been qualified to do business in the State of Illinois.

2. During the relevant time period, the Respondent engaged in the business of stationery paper manufacturing at a mill located at Elm Street and Hooper Drive in Taylorville, Christian County, Illinois, hereinafter referred to as the mill. Since at least August 13, 1974, the Respondent

has owned and operated a sewage treatment facility located southeast of Taylorville on the southeast side of Illinois Route 48, approximately three-quarters of a mile southwest of the junction of Illinois Route 48 and Illinois Route 29, Christian County, Illinois, hereinafter referred to as the facility. 4. Originally, the facility included, among other things, two 40-acre lagoons which I refer to as lagoons 1 and 2. 5. Wastewater from the mill flows to the facility. 6. Since at least August 13, 1974, odors have intermittently been generated by the facility and have been carried by the wind to homes of nearby residents. 7. Frequently, in the summer months, since, August 13, 1974, and also intermittently at other times, the presence of the odors originating from the facility have caused air pollution.

HEARING OFFICER ROSCHE: Can everyone hear all right?

(CHORUS OF YESES.)

HEARING OFFICER ROSCHE: Do you want to come up closer to hear?

MR. MUSATTO: Sure.

MR. CHESLEY: Maybe if I turned around and stood over by Fran here, she can hear me and everyone could hear me.

8. In the summer of 1980, the intensity and frequency of the odors from the facility were less than in the prior years.

9. The Respondent's facility was built pursuant to a construction permit issued by the Sanitary Water Board in 1959. 10. On or before December 9, 1970, the Respondent installed aerators at its facility without a permit; and such action constituted a deviation from an approved plan as defined by Rule 1.04 of Article 1 of the Sanitary Water Board's Rules and Regulations continued in effect by Section 49C of the Act.

The Respondent was issued a permit to operate the aerators at its facility on February 28, 1977. 11. The lagoons at the facility are designed so that a discharge occurs from the second lagoon via a point source in the south fork of the Sangamon River. 12. The Respondent has control

over the discharge referred to in the last paragraph.

13. The south fork of the Sangamon River is a navigable water as that term is used in the Water Pollution Control Act 33 USC 1251 XC. 14. The

south fork of the Sangamon River is a water of the State of Illinois as that phrase is used in the Illinois Environmental Protection Act.

15. Respondent was issued an NPDES permit number IL0035556, hereinafter referred to as the permit, on July 10, 1977, by the United States Environmental Protection Agency for the above-described discharge to the south fork of the Sangamon River. 16. The permit expired on April 30, 1978. 17. The Respondent timely filed a renewal application for its NPDES permit for the above-described discharge but had not been issued a new NPDES permit.

It's not part of the stipulation but for the purposes of the public present, under law, by timely filing the new application, their old permit stays in effect. That's not stated here, but that's the law; and the Board is assumed to



know the law. So we don't state that in the stipulation.

18. The permit required that after July 1, 1977, the wastewater discharge to the south fork of the Sangamon River described above must meet the following effluent limitations:

For biological oxygen demand, the daily average limitation was 4 milligrams per liter; and the daily maximum was 10 milligrams per liter.

For total suspended solids, the daily average was 5 milligrams per liter; and the daily maximum was 12 milligrams per liter.

19. On October 24, 1977, the Illinois Pollution Control Board filed with the Secretary of State a copy of the letter approving the Illinois NPDES program by the administrator of the United States Environmental Protection Agency, thereby, effectuating Water Pollution Rules

410 and 901. 20. The wastewater discharge from the second lagoon at the facility had the following effluent concentrations for the months listed. Now, if you want, I can go through

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and read all these concentrations for the months.

MR. MERKER: Can you give us the gist of what your tables and figures say?

MR. CHESLEY: For BOD<sub>5</sub>, daily average starting in November of '77. What you have is sort of a cyclic-looking output of this BOD<sub>5</sub> from the lagoon. In the colder months, it's higher. And in November after the winter of '77 to '78, it was around 170. As you got into the spring of '78, it came down into the 120 range, approximately. In the summer, it went under a hundred to 83, then back in the fall it started climbing back up over a hundred. In the winter, it was up. The highest went up to 152. In the winter of '78-'79, that was in February. Now, it's come back down. In the spring, it was 86 milligrams per liter, then 50. And in the summer of '79, it was down to 10 milligrams per liter and 15 milligrams per liter; then 35. That's for BOD<sub>5</sub>, daily average. That's the way it went.

For suspended solids daily average, the pattern isn't exactly as clear. But what you

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have is in the winter of '77-'78, you had 10, 13, 7 and 42 milligrams per liter for suspended solids. In the summer, it's sort of reversed for suspended solids. They are higher in the summer and fall, and less in the winter. They got up in the 40's in the spring. There is a 60, 70, and 104 in the summer of '78. There they were 82, 96, 90 in the fall of '78. In the winter, they were 60, 54, 56, 48. That's the winter of '78-'79. In the spring, they started 48. Now, there is one in April for 664, which is the highest reading that we have ever seen. You know, that could be considered an anomaly as far as the real accurate view of the total suspended solids. Maybe there was something that happened at that particular time. It was a one-shot occurrence. We have never seen anything coming anywhere close to that before. So, you know, it's possible there could have been mistaken testing on that sample. But these results I am reading were the results that Georgia-Pacific by law are required to submit; and they have submitted these results --

1

MR. MERKER: These submitted suspended solids --

HEARING OFFICER ROSCHE: See, we are trying to get the whole thing in, and you will have an opportunity to talk and put matters in the record.

MR. CHESLEY: Why don't you write down your question.

HEARING OFFICER ROSCHE: Does anyone need paper or pencils?

MR. CHESLEY: In September and October of 1979, the discharges from the second lagoon at the facility caused the south fork of the Sangamon River to appear red or pink.

22. On October 16, 1979, the Illinois Environmental Protection Agency took water samples pertaining to the facility. The analysis of the samples produced the following results: Two hundred yards upstream in the south fork, there was a dissolved oxygen level of 10.0 milligrams per liter. The effluent from the facility had a dissolved oxygen level of .7 milligrams per liter. And then one-half mile downstream in the south fork, the dissolved oxygen level was 3.4 milligrams

per liter.

23. The cause of the south fork of the Sangamon River being turned red or pink was a rupture in the baffle in lagoon 2. This rupture which has since been repaired allowed the wastewater to be discharged without sufficient retention time.

24. Several private residences have attached their sewer lines to the lines which carry wastewater from the mill to the facility. These connections occurred without the knowledge or the permission of the Respondent.

25. Since 1976, the complainant and the respondent have been engaged in negotiations to agree on a solution to solve the odor and effluent problems from the facility. One proposed long-range solution is for the Respondent to discontinue the use of the facility and to discharge its wastewater from the mill into the Taylorville Sanitary District.

An interim program to abate the odor and effluent problems from the facility as set forth

in the proposed solution had been agreed to by the parties. The Respondent has expended approximately \$60,000 on the interim program.

Strike that sentence.

The Respondent has -- the Respondent already has expended approximately \$60,000 on the interim program and anticipates that an additional \$60,000 will be necessary to complete it.

Okay. Now we have the proposal for settlement. The parties agree that this stipulation of facts and proposal for settlement is being made to avoid protracted hearings and that the public's interest would best be served by the resolution of the problem pursuant to the terms and conditions herein provided. It is understood and agreed by the parties that all stipulations made herein shall be without legal effect and the parties respectively reserve their rights to pursue and defend this matter in the event that this stipulation of facts and proposal for settlement is not accepted in its entirety by the Pollution Board.

C. The Respondent agrees to discontinue

the use of the facility as soon as its wastewater from the mill is discharged into the Taylorville Sanitary District. If, prior to the beginning discharge to the Taylorville Sanitary District, the Respondent determines that such an alternative is economically infeasible, the Respondent shall immediately so inform the Agency; and within three months, shall submit to the Agency and the Board for their approval a plan and schedule to achieve compliance with all applicable permit and regulatory requirements as expeditiously as practical.

D. The parties agree that in the period until the tie in to the Taylorville Sanitary District, the Respondent will take the following steps: Lime will be added at the rate of 450 pounds per day to the wastewater which flows from the mill to the facility except when pH in the lagoon is greater than 7. Part of the old lagoon will be used for the construction of three quarter-acre pre-settling ponds. After each pre-settling pond has filled with settled solids, the flow from the mill to such pond will be

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diverted to the new pre-settling pond. After they are no longer needed, every existing pre-settling pond which is now full and every pre-settling pond that is used in the future will be covered with dirt, fertilized and a vegetative growth established within one year, unless the Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with that time limitation. The influent pipe to the intermediate settling pond located within old lagoon 1 will be located so as to minimize short circuiting. Whenever the intermediate settling pond is no longer needed, it will be covered with dirt, fertilized and a vegetative growth established within one year, unless the Respondent demonstrates it would cause an arbitrary and unreasonable hardship to comply with that time limitation. Any area of lagoon 1 that is not used for pre-settling or intermediate settling ponds will be covered with at least one foot of dirt, fertilized and a vegetative growth established within one year, unless the Respondent demonstrates that it would cause



arbitrary and unreasonable hardship to comply with that limitation.

A dewatering pit will be constructed in this to keep water levels as low as possible.

Water from this pit will be pumped to the intermediate settling pond.

All seeding and fertilization is to be done by applying 500 pounds per acre of 10-10-10 fertilizer and 50 pounds per acre of Talfescu seed mix. The baffle in lagoon 2 will be maintained in a condition so that no flow is allowed to go through or over the baffle. Five aerators with the combined horsepower of 70 will be operated in lagoon 2 and located so as to maximize their efficiency. The relocation of an aerator in lagoon 2 will not require a construction permit from the Agency. The inflow to lagoon 2 will be located so as to minimize shortcircuiting. The Respondent's effluent from lagoon 2 to the south fork of the Sangamon River shall not exceed the following interim limits:  
BOD<sub>5</sub>, 80 milligrams per liter maximum average

allowed for one month from April to November. 100 milligrams per liter, an average for the months December through March; and 150 milligrams per liter, the maximum average allowed for one month in the period December through March. Total suspended solids, the limitations are 60 milligrams per liter, the maximum average allowed for one month from November through May; 80 milligrams per liter, the average allowed from July to October. 120 milligrams per liter, the maximum allowed for one month for the period July through October.

The parties agree that once the wastewater from the mill is tied into the Taylorville Sanitary District, lagoon 2 will be drained by pumping the liquid to irrigate the vegetative growth in lagoon 1. After lagoon 2 is drained, it will be covered, fertilized and vegetative growth established within one year, unless the Respondent demonstrates that it would cause an unreasonable and arbitrary hardship to comply with that time limitation. After lagoon 2 is drained, it will be covered, fertilized and

a vegetative growth -- I am sorry. I just read that, didn't I. Okay. If this abandonment plan for lagoon 2 proves unfeasible, unpracticable or is found to cause a violation of the Act or regulations, then the parties agree to meet and discuss alternative solutions.

F. The Respondent agrees to obtain all necessary permits from the Environmental Protection Agency to accomplish the provisions of this proposal for settlement, and agrees to construct and operate any equipment or facility in accordance with the conditions of such permits.

G. The parties stipulate that the Respondent will pay a \$10,000 fine in settlement of all the issues raised in the second amended complaint.

Wherefore, the parties jointly pray that the Pollution Board adopt the stipulation of facts and proposal as written and order as written, and order the Respondent to comply with the terms and provisions of the proposal for settlement stated above. Then there are lines for

signatures for both parties.

That, I believe, is the substance of our agreement. If I have left anything out, please tell me.

MR. HORDER: That is everything as far as I understand it.

HEARING OFFICER ROSCHE: Gentlemen, it will be reduced to writing; is that correct?

MR. CHESLEY: That's correct.

HEARING OFFICER ROSCHE: And circulated among the parties for signature and returned to me.

How long do you need?

MR. CHESLEY: We can send it directly to you, or if you want, we will send you a copy and send the original and nine copies to the Board.

HEARING OFFICER ROSCHE: Either way.

MR. CHESLEY: So you don't have to mail it, we will send out the big package to the Board and send you a copy.

HEARING OFFICER ROSCHE: We will expect that -- how long do you think, gentlemen?

MR. HORDER: When Pat reduces it to writing --

I would say within two weeks, I think.

HEARING OFFICER ROSCHE: Is fifteen days sufficient?

MR. CHESLEY: Fifteen days is fine.

MR. HORDER: I think we can do it in 15 days.

HEARING OFFICER ROSCHE: All right, gentlemen. The original and nine copies will be sent to the Pollution Control Board within fifteen days after. Then, say, the 15th of November. All right, now. Gentlemen, if there is any breakdown or problem, you will notify me so we can reschedule this matter?

MR. HORDER: Surely.

HEARING OFFICER ROSCHE: Now, in the order of procedure, the next matter would be statements from interested citizens, at this time, which, perhaps, we can start over here and work to the right. It will be necessary for me to take your oath and then if you will state your name and address, we will take your statement at this time.

Would you like to say something, sir?

MR. MUSATTO: Yes. My name is John --

HEARING OFFICER ROSCHE: Would you, please,

raise your right hand.

(JOHN MUSATTO DULY SWORN.)

HEARING OFFICER ROSCHE: If you will tell us your name and address, please.

MR. MUSATTO: My name is John Musatto, M-u-s-a-t-t-o, 1016 West England Street in Taylorville.

Do you want my phone number? I will give you that.

HEARING OFFICER ROSCHE: No. That's fine.

MR. MUSATTO: I am interested in nature. You might call me an environmentalist. I am also a fisherman. I am not that great, but I like to go out and catch some fish.

Since Georgia-Pacific has been dumping their stuff in the Flat Branch, which is a tributary of the south fork, which is also a tributary of the Sangamon River, south fork is finished as far as fishing and trapping. I intended to bring a trapper here today, but he couldn't make it. It has killed everything in the water.

Now, whether Georgia-Pacific is to blame or farmers, I don't know. But that's a situation there. A lot of people think that everything is just fine because they cut -- they bulldozed the bank out of the lagoon and you don't smell that lagoon anymore. They think everything is fine. They don't know the situation of the water in the Flat Branch. But some of us that go through there have seen it.

I am glad to hear that they are doing something about it; but it has taken since about 1976 to get just a little bit done. As far as I know, I used to work at Georgia-Pacific. I had stock in their place, but I consider my environment just a little bit better than the monetary gains that I had made there.

Gentlemen, I am glad to hear they are finally doing something. But why does it take so long?

I have a letter here -- I have a note here if you care to hear it. It says, "G-P Corporation receives award for beautification." They got an

award for doing something about their chips, using them instead of creating an unsightly condition. Well, that's profitable for them.

But I say, let's do something about the environment as well as their own good. I don't know what else I can say on the matter.

HEARING OFFICER ROSCHE: You understand the proposed settlement, and you have heard the terms of it.

Is there anything you want to direct towards the proposal for settlement or do you either dislike or like it?

MR. MUSATTO: I think the settlement is okay. But I would like to see more action. I don't know what they are waiting for.

HEARING OFFICER ROSCHE: Who do you mean "they"?

MR. MUSATTO: Georgia-Pacific. I think they should get on the ball and let's get going.

MR. HORDER: May I just ask, because I don't want citizens to -- I think that's a fair question. And I don't know whether this is a proper time or



whether you want me to wait, but I do want to respond to the gentleman's remarks briefly.

HEARING OFFICER ROSCHE: Why don't you wait until later.

You can ask questions of this person if you want to ask some questions.

MR. HORDER: Maybe one -- I am not familiar with what the Flat Branch is.

MR. MUSATTO: It's a stream that goes into the south fork, and that's where the pollution is coming from. I call it pollution.

They are dumping it into the south fork. They are dumping it into the south fork.

MR. HORDER: I thought maybe we were doing it --

MR. CHESLEY: Actually, it goes into something else first. That's what you are saying.

HEARING OFFICER ROSCHE: Anything further, sir?

MR. MUSATTO: I guess I have spoken my piece.

HEARING OFFICER ROSCHE: Do you want to be heard in this matter?

MRS. McARDEL: Okay.

(SANDY McARDEL DULY SWORN.)

HEARING OFFICER ROSCHE: State your name and address for us, please.

MRS. McARDEL: My name is Sandy McArdel, M-c-A-r-d-e-l; 212 Jaycee Drive. It's a quarter mile north of Georgia-Pacific lagoons.

I know the smell hasn't cleared up. I go by there every morning between 7:30 and 8:00. And once in a while, there isn't a smell; but most of the time there is.

The thing that is most upsetting to me is we have our home mortgage, of course; and we found out this year that our land is appraised 10 percent less because we are next to Georgia-Pacific. So, that's quite upsetting to me. I would like to ask, too, I believe the last hearing they had, they are supposed to be dumping lime in it to take care of the smell until they hook on to the Sanitary District.

HEARING OFFICER ROSCHE: I think that is 250 pounds per day each day; yes.

MRS. McARDEL: At first, right after they

ordered them to do that, I believe they were dumping it in quite often and the smell did clear up quite a bit. I have just wondered if they are still doing it and how often?

MR. HORDER: They were never ordered; that is, if they were. And if they are not doing it, they should be doing it.

MRS. McARDEL: They may be because I know the smell is still there.

MR. HORDER: When did you think it improved?

MRS. McARDEL: Because we seen the lime trucks going in and because they filled it in for a while.

MR. HORDER: Are you telling me it's worse in the summer?

MRS. McARDEL: I would say about a year ago, maybe, when they were dumping lime. Maybe not quite that long.

MR. HORDER: I really don't know.

MRS. McARDEL: But I just wondered because we seen the lime trucks really pouring it in there, and then it didn't seem like they went in there as fast and the smell --

MR. CHESLEY: The hearing that you are talking about, is that for the grant and the Taylorville Sanitary District to get the money or the funds to revamp its plant and allow Georgia-Pacific to tie in? Is that the hearing you are talking about?

MRS. McARDEL: I am not really sure. I wasn't at the hearing. I read it in the paper; and you know, it said they were going to dump lime in, and they did and the smell got better.

As far as dates, I am no good.

HEARING OFFICER ROSCHE: You understood and heard the reading of the proposed settlement; did you not?

MRS. McARDEL: Right.

HEARING OFFICER ROSCHE: Is there anything you would like to state?

MRS. McARDEL: I would like to know how soon they are going to get into the Sanitary District because it's my understanding there is a new sewer system going through there. I know it because they are taking part of our land for it, and this has

been going on for a year and a half and it's not --

MR. HORDER: I can't answer. You will have to talk to the Environmental Protection Agency.

We would like to know. We have been trying to get it for four years.

MR. CHESLEY: The exact date, I really can't give you. And I don't want to try and mislead you by giving you any date.

The process for applying, you know, for this grant has been in the working for years; and through various -- originally, the grant process for the Taylorville system was submitted, and then that had to be resubmitted when Georgia-Pacific made its plan to try and come in. Then there was a problem that they found that there were residents hooked on the line that goes to the lagoons themselves. Then, a new proposal had to be submitted to take care of those residents, and that's what you are talking about the sewer lines out there. Then, Georgia-Pacific made a change in its operation. I think it shut down one of its machines and now it's only running one machine.

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So, that has changed the waste treatment. Then that had to be revised. The EPA is not blameless in this.

Also, in the grant process, there has been a change in the procedure and standards that they used in the middle which called for a revision in the plan. So, I cross my fingers and say that I think just about everything that could go wrong has already gone wrong. And at this time, the process seems to be working in the right direction. But I really don't want to give you, you know, any date that might mislead you because if you would have asked me that four years ago, I think the prediction was in two years it would be all done. Well, it's double that now. So, I can't really tell you.

But from what I understand, I don't see any roadblocks in the way to, you know, getting the grant and doing that.

Even when they get the grant, get the funds, there is still the question of physical labor of still actually doing it.

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MRS. McARDEL: You are talking about the sewer system or Georgia-Pacific hooking on?

MR. CHESLEY: All of that. That's all in the same plan we are talking about, which is the upgrading of the Taylorville system. Not only to take Georgia-Pacific waste and sewers in your area, but to upgrade the whole system that it takes from Taylorville to improve its effluent quality.

HEARING OFFICER ROSCHE: Do you have anything further, particularly, your views on the proposed stipulation?

MRS. McARDEL: I don't believe so.

HEARING OFFICER ROSCHE: All right.

Did you want to make a statement?

MR. MERKER: Yes.

HEARING OFFICER ROSCHE: Would you stand and be sworn, sir.

(GARY MERKER DULY SWORN.)

HEARING OFFICER ROSCHE: Would you tell us your name and address.

MR. MERKER: Gary Merker, M-e-r-k-e-r;  
703 Haner, here in Taylorville.

I have some questions, first, if I may. I am obviously not familiar with the technicalities, with the process and such.

Does the EPA have a representative here?

HEARING OFFICER ROSCHE: At this time, the statements are confined to the impact on the environment, your views on the proposed stipulation and settlement.

What we can do, let's go ahead with those people that are ready to make statements. We can take a brief recess and you can talk with these gentlemen and come back with your opinion regarding this stipulation. That might be a more expeditious way to do things.

Is that agreeable or do you want to go ahead and tell us what you think of the proposal and the impact at this point?

MR. MERKER: I would like to ask questions before I do it.

HEARING OFFICER ROSCHE: Why don't we take a five-minute recess and you can talk to these gentlemen, because I am sure the rest of these



folks don't know; and one of these three gentlemen here can help.

We will take a five-minute recess and look at the proposal.

(WHEREUPON, A SHORT RECESS WAS HAD.)

HEARING OFFICER ROSCHE: Okay. On the record.

I believe you were an interested citizen which wanted to testify with respect to the nature of the alleged violation and its impact on the environment together with your views and the proposed settlement and stipulation.

MR. MERKER: I really didn't have any views to offer. My questions have been answered.

HEARING OFFICER ROSCHE: Is there anything else you want to state at this time? That's what we are here for, to receive information from the public.

MR. MERKER: I take it that the cost of doing business should be addressed by the business in question. The settlement, as proposed, to me sounds like a logical and workable solution. It strikes me that the grant for the, first of all,

Taylorville Sanitary System has not -- does not have the capacity, at this point in time, to handle the additional waste; and there is funding -- a grant has been applied for to meet that particular need.

It strikes me as unfortunate to the taxpayers. Apparently, they are being asked to address this solution through the donations of tax dollars for -- through this grant.

MR. HORDER: That's not correct.

MR. CHESLEY: For their discharge -- without getting into the actual specifics -- they pay for their tie in, and they have a yearly payment that they make for their discharge. And that payment is geared to compensate the Taylorville Sanitary District for all the waste that comes from Georgia-Pacific.

MR. HORDER: In essence, we have to make up front contributions for the increased use of the Sanitary District facility and costs for maintenance plus a fee.

MR. MERKER: That's a fair solution.

MR. HORDER: The grant is just -- the Water Pollution Control grant is available to every municipality in the country.

MR. CHESLEY: The grant plus the -- then Georgia-Pacific has to pay for the plant because of its discharge.

MR. MERKER: I would like to say it seems like a fair and logical solution to the problem.

I personally believe that things of this nature are based more on profits than concern for the environment; and thanks to that, I can reaffirm the concerns by the length of time it's taken to come to this agreement.

HEARING OFFICER ROSCHE: Anything further you want to state at this time?

MR. MERKER: No.

HEARING OFFICER ROSCHE: Sir, do you have a statement that you would like to make?

MR. LAURENZANA: Yes.

(TONY LAURENZANA DULY SWORN.)

HEARING OFFICER ROSCHE: Would you state your name and address, please.

MR. LAURENZANA: My name is Tony Laurenzana, L-a-u-r-e-n-z-a-n-a. I live at 902 East Thompson, Taylorville, Illinois.

We have twelve acres of ground over there which nine acres of that could be utilized for apartments, laundramats, and what have you. But account of the odor, we can't -- in the wintertime, we don't have too much of it; but in the summer, you cannot sit at the picnic table and drink a beer and enjoy it. That is hurting us because we could sell but nobody wants to build on account of that.

Now, we are located right after the fence line of Worm's Dairy. I would say roughly three quarters of a mile off 48; we run Anderson and around the curb. Now, Pauler Street would go all the way to our fence line which runs all the way down Pauler; and we have twelve acres in this area.

That's the only complaint we have on this thing that, one time, they complained it was Worm's Dairy that caused the smell. But my wife lived there six years prior to the smell occurred.

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HEARING OFFICER ROSCHE: All right. You have heard the reading of the stipulation and proposed settlement; is there anything you want to comment about?

MR. LAURENZANA: No, sir.

HEARING OFFICER ROSCHE: Is there anyone I overlooked or has anyone thought of anything they wanted to say, now is the time.

MR. MUSATTO: Yes.

HEARING OFFICER ROSCHE: All right, sir. You have been sworn. State your name again for the record.

MR. MUSATTO: John Musatto.

Do you know how much of a grant -- does anyone know how much of a grant we are looking for? I should say, to how much of a difference is Georgia-Pacific looking for?

MR. HORDER: We are not working for -- I think Georgia-Pacific does not apply for the grant. The grant is applied -- the Federal Government applied with the approval of the EPA and the Taylorville Sanitary District. They are the ones that do the

study and decide how big a facility it is. I can't tell you what size facility they have decided they need. I know that I can give you an approximate cost to us for our portion of that facility. As you know, it has escalated over the last four years considerably. It's over a million two now.

MR. MUSATTO: I have another question relating to that. Is Georgia-Pacific at the plant doing anything at this moment to reduce this sludge or whatever you call it that is going to the creek now? Are they doing anything at the present time so they can hook into our sanitary sewer system?

MR. HORDER: I am not sure I understand the question.

MR. MUSATTO: They are supposed to clean their mess up at the plant, I understand, to a certain degree so that when it goes into the sewer system they can handle it at the plant, at the Sanitary Sewer District.

MR. HORDER: I believe, sir, that if there was a sewer there now that tied into the Sanitary District, they could take the effluent as it comes

out of the plant without the plant doing anything.

MR. MUSATTO: That's not what Mr. Troast, whom I spoke to this morning -- you know Mr. Troast, I suppose. He is the president of the Sanitary Sewer District. I have talked to him, and he tells me that they have to cut that down to a certain degree where the plant can handle it; otherwise, they will not be able to handle that much sediment and whatever it was that goes into it, that which is now going into the creek. At the moment, nothing is being done at the Georgia-Pacific plant.

HEARING OFFICER ROSCHE: Anything further, sir, you want to say?

MR. MUSATTO: That's all.

HEARING OFFICER ROSCHE: Anyone else?

All right. There being nothing further at this time --

MR. HORDER: Your honor, I would like to respond as I requested earlier with just two short comments.

HEARING OFFICER ROSCHE: All right.

Do you want to stand and be sworn?

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MR. HORDER: I will be glad to.

(RICHARD HORDER DULY SWORN.)

MR. HORDER: I do --

HEARING OFFICER ROSCHE: Tell us your name and address.

MR. HORDER: Richard Horder, I live at 3248 Henderson, Atlanta, Georgia. I think we have -- for the few people that are interested, I think it's worth me indicating, at least, the company's position: I know you understand I am an attorney. I am not a technical engineer, and I really can't speak to the technical aspects.

If that's the case, I would -- it's news to me. And I don't know who Mr. Troast is. I have met a number of people from the Sanitary District and EPA. That was not my understanding. I will find out about it.

There are two things that bear repeating from the company's side. One, we don't know what's causing the odor; but we do know that there are a number of people -- you may be these people. There are a number, about 25 or 30 people who are tied

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into us with their domestic sewage, their toilets, into the lagoons. So, there is more than just, as you say, the pollution which consists of paper fiber, essentially, going into those lagoons. Now, I can't tell you from a technical standpoint what causes -- in fact, those bugs probably help our process some. We believe some of the odor problem is caused not only by us but households hooking into the facility. That's number one.

Number two, I think the citizens have every right to be concerned about the length of time it has taken. I would like to introduce something into the record. The way this system works, Taylorville Sanitary District is the one who applies for the grant. They hire the engineering firm. That engineering firm which works on it is out of Springfield, Illinois and are not our employees. They are employees of the Sanitary District, and they have been working on this since 1976. I can tell you when the first plan was submitted to the Illinois EPA, and not to Pat or Brian. It's to the Grant Section in November of 1976.

Now, there is not -- we are not entirely to blame. We did shut down a line and we have changed certain things that require additional information being submitted to the EPA. Every time we submit something to the Grant Section, the first time, we had eight comments to address. About a year went by, the next time eleven comments we had to address. We addressed those. Another year went by and then 23 comments back. That's because of program changes.

I am trying to indicate to you that there is, I think, blame on both sides as to how long it has taken.

We want to get into the Sanitary District. We don't want to be bad neighbors. Sure, there is profit motives. It's cheaper to go into the Sanitary District and have it treated by the municipality rather than for us to build our own facility and do it. That's why we want to go in. It's to our advantage.

It has taken four years, and I wouldn't want to give the day that we think things are

going to be done. That's really all I want to say.

If it's appropriate, your honor, I have a chronology of events that was prepared --

HEARING OFFICER ROSCHE: Do you want to incorporate that into the stipulation of settlement?

MR. HORDER: No. It's irrelevant to that.

I would like to put it on public record so somebody can -- it's not prepared by Georgia-Pacific but by an engineer for the Sanitary District. I will be glad to submit that.

It's hearsay and all that.

HEARING OFFICER ROSCHE: That will become part of the record. We will accept that.

(Whereupon the document was marked Respondent late file Exhibit Number 1.)

HEARING OFFICER ROSCHE: Is there anything further?

This concludes the hearing in PCB 76-241. Thank you very much.

HEARING CONCLUDED.

STATE OF ILLINOIS )  
                          ) SS:  
COUNTY OF C O O K )

FRANCIS E. McGRAIL hereby certifies that she is the Certified Shorthand Reporter who reported in shorthand the proceedings had in the above-entitled matter, and that the foregoing is a true and correct transcript of said proceedings.

*Francis E. McGrail*  
-----  
Certified Shorthand Reporter.

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GEORGIA-PACIFIC CORPORATION

WASTE TREATMENT BY TAYLORVILLE SANITARY DISTRICT  
CHRONOLOGICAL SEQUENCE OF EVENTS

- February 23, 1976: Letter report on "Georgia-Pacific Waste Treatment by Taylorville Sanitary District - An Evaluation." Letter actually addressed to Marathon Engineering Company who issued a purchase order to CM&T as directed by Georgia-Pacific.
- March 19, 1976: Letter to CM&T from Georgia-Pacific expressing interest in exploring further the possibility of treatment by TSD.
- March 30, 1976: Meeting at G-P mill in Taylorville.
- June 16, 1976: Meeting at IEPA involving Sherwood (G-P) Haggerty (G-P) Ritchie (CM&T) and Ken Rogers (IEPA). Rogers indicated chance of grant amendment to serve G-P as good, but said this would need to be checked with USEPA.
- June 23, 1976: Letter from IEPA to TSD confirming comments in 6/16/76 meeting.
- June 24, 1976: Letter from TSD to IEPA formally requesting that the existing grant be amended or that a new grant be offered, to allow TSD to serve G-P.
- July 12, 1976: Letter from IEPA to USEPA forwarding the TSD request and joining in the request.
- September 27, 1976: Letter from G-P to USEPA (Todd Cayer) regarding the intent of G-P to connect to the TSD system (in response to a 9/17/76 phone conversation between Sherwood and Cayer).
- September 29, 1976: Letter from CM&T to G-P revising the costs, etc. given in the February 23, 1976 letter report.
- October 5, 1976: Letter from G-P (Sherwood) to TSD requesting that the District authorize CM&T to prepare a grant application.
- November 1976: CM&T submitted amendment to the Facilities Plan to IEPA for review.
- December 15, 1976: Letter to IEPA indicating that nobody appeared at the 12/14/76 hearing on the TSD plan to construct facilities to serve G-P.
- December 30, 1976: Letter to IEPA indicating there were no written comments on the proposal.

*Respondent late file Exhibit #1.  
JEM*

- January 10, 1977: Letter to G-P (Sherwood) relating comments by IEPA in a meeting held 1/7/77 (at IEPA).
- February 8, 1977: Letter from USEPA (Cayer) to TSD indicating that a deviation from the USEPA rules and regulations had been approved and indicating a grant to be possible.
- February 9, 1977: Meeting with IEPA to discuss details of the Facilities Planning.
- February 18, 1977: Letter from IEPA to TSD confirming USEPA February 8, 1977 letter and verbal comments on February 9, 1977 meeting.
- March 9, 1977: Letter from IEPA to TSD (with attachment) amounting to the review of the Facilities Plan submitted November 1976. (Part of the comments were about abandonment of the G-P lagoons).
- March 28, 1977: Request to IEPA by TSD for Grant to make study of the area served by the G-P (Hopper) sewer.
- April 13, 1977: IEPA offer of supplemental Grant to study area served by G-P (Hopper) sewer.
- May 9, 1977: CM&T sent engineering agreement for design and construction services to TSD for execution.
- June 21, 1977: Letter from G-P (Sherwood) to TSD (Trost) indicating that G-P would pay non-eligible costs and local share of eligible costs of improvements.
- October 12, 1977: CM&T submitted "Pfeffer" to IEPA for approval.
- November 16, 1977: Letter from G-P (Sherwood) to CM&T indicating G-P plans to shut down one paper machine, and that resampling would be necessary.
- November 16, 1977: Approval of "Pfeffer" by IEPA.
- December 14, 1977: CM&T submitted report to IEPA on connections to the G-P (Hopper) sewer.
- January 30, 1978: Letter from CM&T to IEPA indicating submittal of amendment to Facilities Plan would be delayed 2 - 3 months because of the necessity to resample at the mill.
- May 10, 1978: Letter from CM&T to G-P (Sherwood) reporting results of sampling at the mill.
- July 5, 1978: Another letter from CM&T to G-P giving updated results of sampling at the mill.

- August 3, 1978: Meeting between CM&T and G-P (at the mill) to discuss results of sampling and further course of action.
- December 13, 1978: CM&T letter to IEPA submitting amendment to Facilities Plan.
- January 16, 1979: Telephone conversation between Ritchie of CM&T and Harry Chappel of IEPA regarding IEPA "Permits" review of Facilities Plan. Chappel outlined some nine (9) points that needed to be addressed further.
- January 17, 1979: Hearing on Facilities Plan amendment. Nobody from the public appeared.
- February 2, 1979: CM&T submitted minutes of 1/17/79 hearing to IEPA.
- 2 March 26, 1979: Letter from IEPA to TSD (with attachment) amounting to review of Facilities Plan submitted 12/13/78. Attachment listed only the points discussed by Ritchie and Chappel on 1/16/79.
- April 6, 1979: Ritchie (CM&T) met with Trevidi & Khan (IEPA Permits) to discuss points in attachment to March 26, 1979 letter.
- May 30, 1979: CM&T submitted Facilities Plan Amendment to IEPA.
- July 20, 1979: CM&T submitted minutes of July 2, 1979 hearing on the Facilities Plan Amendment, indicating that nobody from the public appeared.
- November 19, 1979: Letter from IEPA to TSD (with attachment) amounting to review of Facilities Plan submitted May 30, 1979. Review by IEPA was delayed in part (but only in part) by the fact that EPA asked for information on wet weather flows. The permits presented in the attachment were points not presented in earlier reviews.
- January 9, 1980: Meeting at IEPA in response to request by G-P and CM&T.

Prepared By:

CRAWFORD, MURPHY & TILLY, INC.  
CONSULTING ENGINEERS  
SPRINGFIELD, ILLINOIS