

CLOSED: April 5, 1984 Board Meeting
CASE NUMBER: PCB 83-179
CASE TITLE: Georgia-Pacific Corporation v. EPA
HEARING OFFICER: John Cloney
CASE TYPE: W-V
DATE FILED: November 30, 1983
DATE DUE:
NEWSPAPER NOTICE:

DATE	ITEMS
12/01/83	Board Order: Motion to Appear granted: Hearing Authorized
12/05/83	Appearance for EPA by Gary A. King
12/12/83	Hearing set for January 26, 1984, 10:00 a.m., Christian County Courthouse, Board of Supervisors Room, Taylorville, - CANCELLED
12/20/83	Amended Petition now due March 19, 1984
01/11/84	Agency Recommendation
01/24/84	Letter by Respondent
01/24/84	Waiver of Hearing and Request for Postponement of Hearing by Petitioner (Waiver included now due April 12, 1984)
01/26/84	Hearing Officer Order: Hearing continued to February 23, 1984 same time and place
01/30/84	Motion to Cancel Hearing by Petitioner
02/09/84	Order of the Board: Motion to Cancel Hearing is denied
02/27/84	Hearing Officer Report of February 23, 1984 hearing
03/05/84	Transcript of February 23, 1984
04/05/84	Opinion and Order

Georgia-Pacific Corporation

Law Department

133 Peachtree Street, N.E.
P. O. Box 105695
Atlanta, Georgia 30348
Telephone (404) 521-4846

November 28, 1983

RECEIVED

NOV 30 1983

POLLUTION CONTROL BOARD

Richard A. Horder
Associate General Counsel

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

RE: PETITION FOR VARIANCE, GEORGIA-PACIFIC CORPORATION,
TAYLORVILLE, ILLINOIS, PCB ~~76-241~~

83-179

Dear Ms. Moffett:

Enclosed please find a Petition for Variance and Motion to Appear on behalf of Georgia-Pacific Corporation, Lockport, Illinois. As required by Section 101.104 of the Board's General Rules, I have included one original and nine copies of each document.

If you have any questions or require further information, please contact me.

Yours truly,


Richard A. Horder

RAH/eh

Enclosures

cc: Mr. Gary King
Senior Attorney
2200 Churchill Road
Illinois Environmental Protection Agency
Springfield, Illinois 62706

Mr. John J. Forneris, P.E.
Manager Region V Springfield
Division of Water Pollution Control
Illinois Environmental Protection Agency
4500 S. Sixth Street
Springfield, IL 62706

Messrs. Jerry Robinson - Taylorville, IL
Gerald Ritter - Atlanta, GA
Tom McAlpine - Taylorville, IL
Ron Presley - Atlanta, GA

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

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

PETITION FOR VARIANCE

Georgia-Pacific Corporation hereby petitions the Illinois Pollution Control Board (Board) for a Variance from certain terms of the OPINION and ORDER of the Board adopted on April 2, 1981, which apply to the closure of lagoon two. As required by Section 104.121 of the Board's Procedural Rules, Georgia-Pacific Corporation submits the following information in support of this Petition:

a) A clear and complete statement of the precise extent of relief sought, including specific identification of particular provisions of regulations or Board Orders from which variance is sought.

Georgia-Pacific requests that Section E. of the Proposal for Settlement of the ORDER and OPINION of the Board, adopted on April 2, 1981 (ORDER), be modified to allow Georgia-Pacific to utilize a more practical and more cost effective method of closure of lagoon two. The proposal also incorporates a method to effectively dewater Basins D and E₃ to enable compliance with Section D.ii of the ORDER. Accordingly, Georgia-Pacific requests that the language of the ORDER be modified as follows:

PROPOSAL FOR SETTLEMENT

E. The Parties agree that, once the wastewater from the mill is tied into the Taylorville Sanitary District, lagoon two, Basin D and Basin E₃, including the remaining reserve area, will be closed out utilizing the following closure plan:

PHASE I - (Approximately

January 1, 1984 - April 1984)

1. Divert flow from "Hopper Sewer" into existing drainage ditch.
2. Install drain pits in dike between "C" and "D".
3. Install drain pits in dike between "D" and "E₃".
4. Dewater "C" and "D" by pumping excess water to lagoon 2.
5. Pump free water from "E₃" as needed to lagoon 2.
6. Relocate two aerators in lagoon 2 toward discharge end of lagoon.
7. Remove three remaining aerators.

PHASE II - (May - June 1984)

1. Remove excess fill from "E₁", "B", and "C" and cover "D".
2. Seed and fertilize all filled areas.

3. Dredge and pump sludge from lagoon 2 into "E₃".

4. Drain water from lagoon 2 through existing outfall down to proximity of any residual sludge. BOD compliance to be maintained through COD testing of effluent as it relates to BOD. Ratio to be established through prior laboratory work.

5. Remove last aerator and diversion curtain.

6. Cut dikes on lagoon 2 - Dewater sludge using sump pumps.

7. Remove any remaining sludge from bottom of lagoon 2 and deposit in "E₃".

PHASE III - (July - December 1984)

1. Dewater "E₃" using drain pits in the dikes. Supernate to be pumped over established grassed area.

2. Cover "E₃" using dikes from lagoon 2.

3. Recontour entire area.

4. Seed and fertilize remaining area.

A diagram of the wastewater treatment lagoons is attached for reference (Attachment A).

The Parties agree that final closure of lagoon two, Basin D and Basin E₃ will be accomplished within one (1) year from the date the wastewater flow is fully diverted to the Taylorville Sanitary District. If this closure plan proves infeasible, impractical or is found to cause a violation of the Act or the regulations, then the Parties agree to meet and discuss alternative solutions.

b) A description of the business or activity of the petitioner including the size of the business and number of employees and a description of the location and area affected by petitioner's operations.

The Georgia-Pacific Taylorville mill is in the business of stationery paper manufacturing. The plant produces approximately 100 tons of paper per day and employs a total of 145 union and salaried personnel. The mill is located at Elm Street and Hopper Drive in Taylorville, Christian County, Illinois. The wastewater treatment plant is located southeast of Taylorville on the southeast side of Illinois Route 48, approximately three-fourths of a mile southwest of the junction of Illinois Route 48 and Illinois Route 26.

c) The quantity and types of materials used in the process or activity for which the variance is required and a full description of the particular process or activity in which the materials are used.

Georgia-Pacific is seeking a variance in the closure plan for lagoon two and in the method of dewatering settling basins D and E₃. The materials treated in the settling basin portion of the waste treatment system are approximately 700,000 gallons of papermill effluent per day containing 10,000 pounds of suspended solids and 5,000 pounds of BOD. This material is treated in these basins to remove the suspended solids and a portion of the BOD.

The materials discharged from the settling basins into the aerated basin for treatment are comprised of approximately 700,000 gallons per day of clarified effluent containing approximately 450 pounds of total suspended solids and 2,400 pounds of BOD.

d) The quantity and types of materials discharged from the process or activity requiring the variance; the location of the points of discharge, and, as applicable, the identification of the receiving waterway or land, or the location of nearest air monitoring station maintained by the Agency.

The discharge from lagoon two is to Flat Branch Creek tributary to South Fork River and consists of approximately 700,000 gallons per day containing 290 pounds of BOD and 230 pounds of suspended solids.

e) Data describing the nature and extent of the present failure to meet the numerical standards or particular provisions from which variance is sought and a factual statement of why compliance with the Act and regulations was not or cannot be achieved by required compliance dates.

Georgia-Pacific is presently in compliance with the terms of PCB 76-241 and the subsequent variance PCB 82-93. This variance request is made to enable Georgia-Pacific to utilize a closure plan which is more practical and cost effective than the plan stipulated in the ORDER.

f) A detailed description of existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the Act and regulations, including a time schedule for the implementation of all phases of the control program from initiation of design to program completion and estimated costs for each phase and the total cost to achieve compliance.

The proposed closure plan and time schedule has been detailed in Section a.

g) An assessment, with supporting factual information, of environmental impact that the variance will impose on human, plant, and animal life in the affected area, including, where applicable data describing the existing air and water quality which discharge may affect.

It is anticipated that the proposed closure plan will have a beneficial environmental impact and that the closed site will blend naturally with the surrounding area.

h) Past effort to achieve compliance including costs incurred, results achieved, permit status and for publicly-owned treatment works or connections thereto, construction grant status.

Illinois Pollution Control Board Order 76-241 generally calls for covering abandoned sludge settling ponds and aerated basins with at least 1 foot of dirt and establishing a vegetative growth within 1 year of abandonment. This closure method has proven impractical and overly expensive as used to date. Covering the 25-acre aerated basin (lagoon 2) with a minimum of 1 foot of dirt is virtually impossible to do as past experience has shown that the amount of cover actually required turns out to be several feet thick in order to provide enough support for earth hauling equipment. Also, when attempting to cover the sludge in place in a large area, the sludge oozes ahead of the fill being applied and ends up being entombed in a mound of dirt at the far edge of the basin.

For these reasons, Georgia-Pacific proposes to remove the sludge from lagoon 2 and consolidate it into the E₃ settling basin. This consolidation will enable all of the sludge to be covered in one area and will permit grading from this area outward and downward to the natural contours surrounding the site.

This variance request, in addition to presenting a more practical closure plan, also presents a plan which has a more cost effective utilization of the limited funds at the Taylorville mill. Projected costs associated with the ORDER and the proposed closure plan are as presented below:

Closure Cost as per PCB Order 76-241

\$ 40,000	Spray Irrigation
56,455	Cover "D"
67,760	Cover "E3"
282,330	Cover Cell #2
<u>10,000</u>	Seed and Fertilize
\$456,545	
<u>68,482</u>	15% Contingency
\$525,027	

Proposed Closure Plan Cost

\$ 3,910	Phase I
136,240	Phase II
<u>31,120</u>	Phase III
\$171,270	
<u>25,690</u>	15% Contingency
\$196,960	

i) A discussion of the availability of alternate methods of compliance, the extent that such methods were studied, and the comparative factors leading to the selection of control program proposed to achieve compliance.

Extensive analysis by the Georgia-Pacific Corporate Environmental Engineering Department staff identified no other cost effective alternates which are environmentally acceptable.

j) A statement of measures to be undertaken during the period of the variance to minimize impact of the discharge of contaminants on human, plant, and animal life in the affected area, including the numerical interim discharge limitations which can be achieved during the period of the variance.

Georgia-Pacific will establish a BOD:COD ratio in it's laboratory prior to emptying lagoon two. COD tests will be performed on the effluent from lagoon two, as it is being emptied, at a frequency to insure compliance with existing BOD effluent limits. The BOD discharge limitations specified in the ORDER are:

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

Suspended solids (TSS) will also be monitored while emptying lagoon two to insure compliance with effluent limits. The TSS discharge limitation specified in the ORDER are:

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

k) A concise factual statement of reasons petitioner believes that compliance with the particular provisions of the regulations or Board Order would impose arbitrary or unreasonable hardship.

Compliance with the closure plan for lagoon two, as specified in the ORDER, would impose an economic hardship on the Taylorville mill.

Implementation of the closure plan which is the subject of this variance request is a more cost effective utilization of available funds.

As required by Section 104.22 of the Board's General Rules, Georgia-Pacific has analyzed this variance request to determine whether the granting of the variance request would be consistent with the Clean Air Act (42 USC 7401 et seq) and the regulations adopted pursuant thereto and the Clear Water Act (33 USC 1251 et seq), and regulations adopted pursuant thereto, USEPA effluent guidelines and standards and other applicable federal regulations. Based on this review, it is Georgia-Pacific's belief that the Board may grant the request for relief consistent with the above laws and regulations.

Under Section 104.124 of the Board's General Rules, Georgia-Pacific hereby requests that a hearing be held on this petition.

In summary, Georgia-Pacific requests that the Board grant this Petition to allow the Taylorville mill to utilize a more practical and more cost effective closure plan for lagoon two, basin D and basin E3 than the plan stipulated in PCB 76-241.

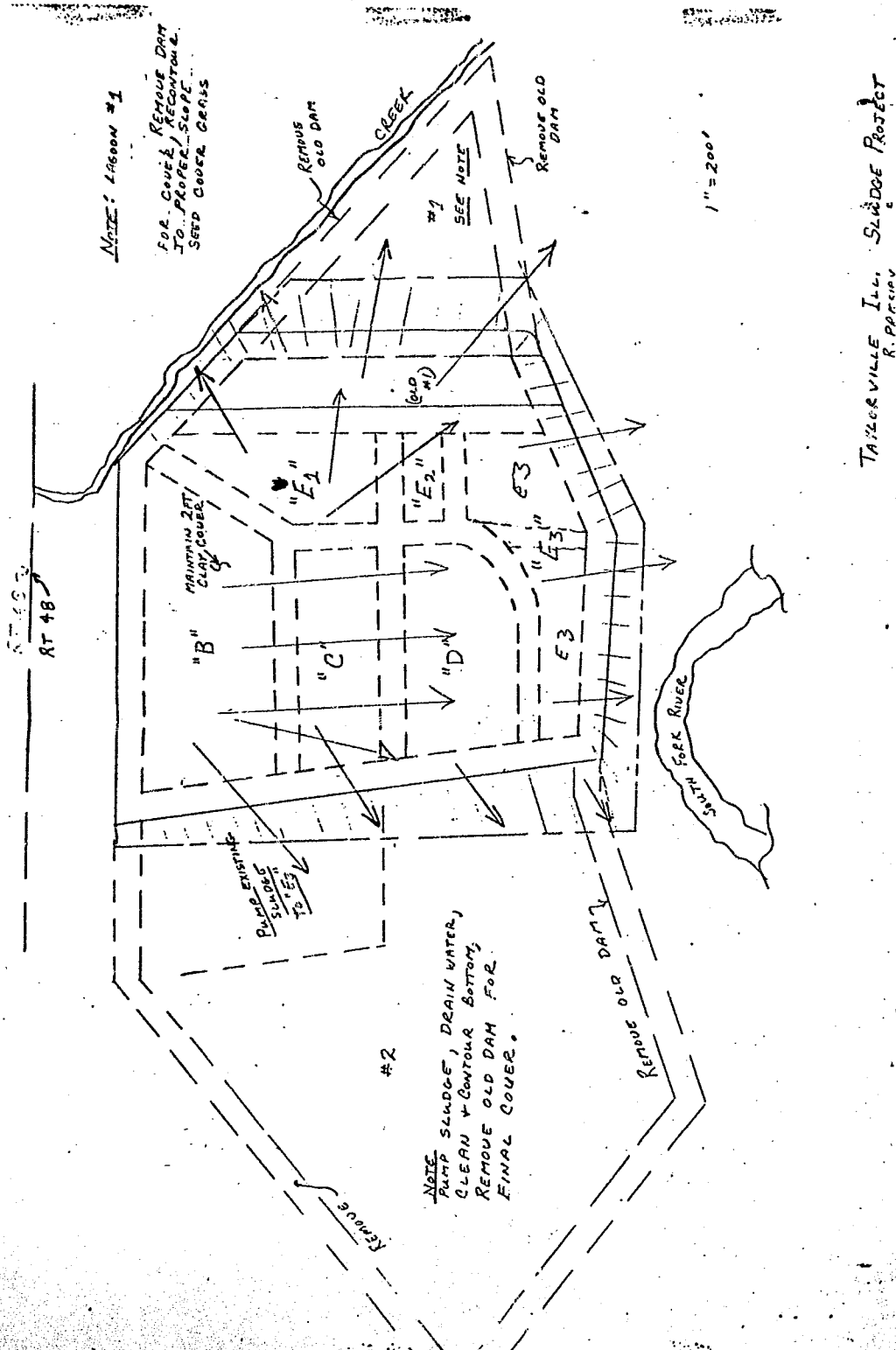
Respectfully submitted,

Richard A. Hardy

Nov 29, 1983

Date

Attachment A



NOTE: Lagoon #1

FOR CIVIL REMOVE DAM TO PROPER SLOPE. SEED COVER GRASS

NOTE: PUMP SLUDGE, DRAIN WATER, CLEAN + CONTOUR BOTTOM, REMOVE OLD DAM FOR FINAL COVER.

1" = 200'

TAYLORVILLE ILL. SLUDGE PROJECT
R. P. PERRY

BEFORE THE ILLINOIS POLLUTION

GEORGIA-PACIFIC CORPORATION)
TAYLORVILLE, ILLINOIS)
Petitioner)
)
)

PCB 76-241

MOTION TO APPEAR

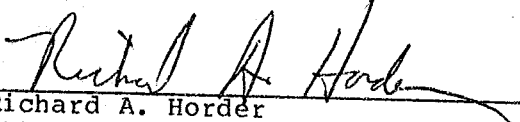
Petitioner Georgia-Pacific Corporation requests, pursuant to Section 101.106(b) of the Illinois Pollution Control Board's (the "Board") General Rules, that Richard A. Horder, attorney for Georgia-Pacific Corporation, be allowed to appear before the Board on behalf of Georgia-Pacific in the above-referenced matter. In support of this Motion, Georgia-Pacific, by and through its attorney, states as follows:

1. Richard A. Horder is employed as an attorney by Georgia-Pacific Corporation in Atlanta, Georgia, and represents Georgia-Pacific in environmental matters.

2. Richard A. Horder was admitted to the State Bar of Florida in December, 1971, and the State Bar of Georgia in November, 1974, and is currently an active member of both Bars.

WHEREFORE, Petitioner requests that the Illinois Pollution Control Board allow Richard A. Horder to appear before the Board on behalf of Georgia-Pacific Corporation.

Respectfully submitted,


Richard A. Horder
Attorney, Georgia-Pacific
Corporation

November 28, 1983

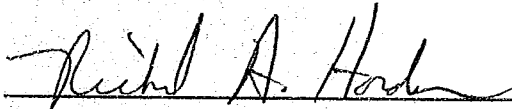
133 Peachtree Street, N.E.
P.O. Box 105605
Atlanta, Georgia 30348
(404) 521-4810

PROOF OF SERVICE


I, the undersigned, on oath state that I have served the attached Petition for Variance and Motion to Appear upon the person to whom it is directed, by placing an original and nine copies, in an envelope addressed to:

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

and sending it on Nov 29, 1983, by overnight express delivery service.



Subscribed and Sworn to before
me this 29th day of
November, 1983.



Notary Public
KITTY S. PINSON
Notary Public, Georgia. State at Large
My Commission Expires Jan. 18, 1987

STATE OF ILLINOIS POLLUTION CONTROL BOARD
309 WEST WASHINGTON STREET, SUITE 300 • CHICAGO, ILLINOIS 60606
PHONE 312/793-3620

M E S S A G E

Original
R E P L Y

TO Mr. John E. Cloney
212 Elmore
Park Ridge, Illinois 60068

DATE

DATE December 2, 1983

RE: PCB 83-179, GEORGIA - PACIFIC
V. EPA

Would you please act as Hearing
Officer in the above captioned
matter?

If this is not acceptable please
notify me.

Very truly yours,

Pamela J. Winters
Pamela J. Winters
Assistant Clerk of the Board

CIRCLE FOLLOW-UP DATE AND FILE

MONTH	J	F	M	A	M	J	J	A	S	O	N	D																			
DAY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

BY

SIGNED

DETACH AND FILE FOR FOLLOW-UP

RECEIVED

DEC 05 1983

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

GEORGIA-PACIFIC CORPORATION,
Petitioner,

vs.

ENVIRONMENTAL PROTECTION AGENCY,
Respondent.

PCB 83-179

A P P E A R A N C E

The undersigned, as one of its attorneys, hereby enters an Appearance on behalf of Respondent, Environmental Protection Agency.

ENVIRONMENTAL PROTECTION AGENCY

By: Gary P. King km
Gary P. King
Enforcement Programs

DATED: December 1, 1983

2200 Churchill Road
Springfield, Illinois 62706

217/782-5544

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached
APPFARANCE upon the person
to whom it is directed, by placing a copy in an envelope addressed to:

Richard A. Horder
Associate General Counsel
Georgia-Pacific Corporation
Law Department
133 Peachtree Street, N.E.
P.O. Box 105605
Atlanta, GA 30348

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

and sending it by first class mail from Springfield, Illinois, on
December 1, 1983, with sufficient postage affixed.

Kimberly A. Martin

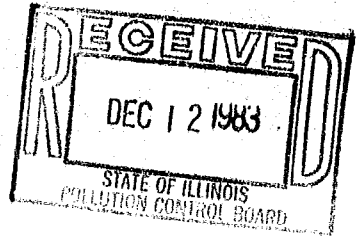
SUBSCRIBED AND SWORN TO BEFORE ME

this 1st day of December 1983.

Barbara K. Mc Lee

Notary Public

Original Do Not Destroy



GEORGIA PACIFIC CORPORATION
Taylorville, Illinois,

Petitioner,

-vs-

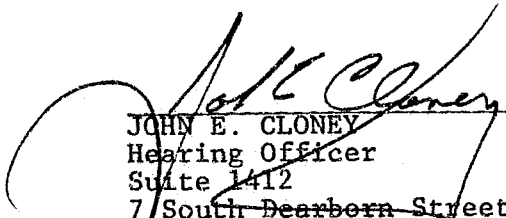
NO. PCB 83-179

ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on the 26th day of January, 1984 at 10:00 A.M. a hearing will be conducted in the captioned matter before the undersigned duly appointed Hearing Officer at the County Board of Supervisors Room in the Christian County Court House located in the Village of Taylorville, County of Christian, State of Illinois, at which time and place testimony may be received.


JOHN E. CLONEY
Hearing Officer
Suite 1412
7 South Dearborn Street
Chicago, Illinois 60602
(312) 782-8535

W-Y

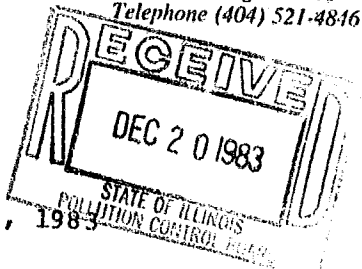
Georgia-Pacific Corporation

Law Department

Richard A. Horder
Associate General Counsel

~~Delivered to the Room~~

133 Peachtree Street, N.E.
P. O. Box 105605
Atlanta, Georgia 30348
Telephone (404) 521-4816



December 19, 1983

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

RE: CLARIFICATION OF PETITION FOR VARIANCE, GEORGIA-PACIFIC
CORPORATION, TAYLORVILLE, ILLINOIS, PCB76-241

Dear Ms. Moffett:

83-179

Two items in Georgia-Pacific Corporation's November 28, 1983 Petition for Variance require clarification. First, the cover letter erroneously refers to Lockport, Illinois rather than Taylorville, Illinois. The variance request itself is correct in that it specifies the Taylorville, Illinois location.

Second, on page 3 of the Petition for Variance, Phase II, item 6 should be changed to read:

6. Excavate leachate collection sumps inside the dikes around lagoon 2 to enable dewatering of any remaining sludge. Leachate collected in the sumps to be pumped out over vegetated area.

Enclosed for filing is an Amendment to Petition for Variance which incorporates the above change.

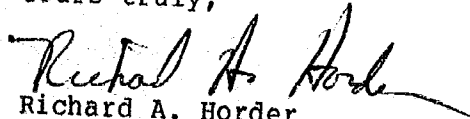
Also enclosed please find the Affidavit of Jerry L. Robinson, the plant manager of the Taylorville facility which is in support of both the Petition for Variance and the Amendment to Petition for Variance.

I would appreciate if you would file these documents on my behalf. As required by Section 101.104 of the Board's General Rules, I have included one original and nine copies of each document.

Ms. Christan L. Moffett
November 19, 1983
Page 2

If you have any questions or require further information,
please contact me.

Yours truly,


Richard A. Horder

RAH/eh

Enclosures

cc: Mr. Gary King
Senior Attorney
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Mr. John J. Forneris, P.E.
Manager Region V Springfield
Division of Water Pollution Control
Illinois Environmental Protection Agency
4500 S. Sixth Street
Springfield, IL 62706

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

Georgia-Pacific Corporation)
Taylorville, Illinois)

PCB 76-241

AMENDMENT TO PETITION FOR VARIANCE

Georgia-Pacific Corporation hereby amends its Petition for Variance previously filed with the Illinois Pollution Control Board (Board) by letter of November 28, 1983, by substituting for item 6, Phase II, on page 3 of the Petition for Variance the following language:

6. Excavate leachate collection sumps inside the dikes around lagoon 2 to enable dewatering of any remaining sludge. Leachate collected in the sumps to be pumped out over vegetated area.

Respectfully submitted,


Richard A. Horder

Dec 19, 1983
Date

BEFORE THE ILLINOIS POLLUTION

GEORGIA-PACIFIC CORPORATION)
TAYLORVILLE, ILLINOIS)
Petitioner)
)
)

PCB 76-241

AFFIDAVIT IN SUPPORT OF
PETITION FOR VARIANCE

STATE OF ILLINOIS
COUNTY OF WILL

Jerry L. Robinson, having been first duly sworn, deposes
and says:

1. That he is the Plant Manager of the Georgia-Pacific Corporation facility at Taylorville, Illinois, 1200 Elm Street, East, Taylorville, Illinois.
2. That he has read and knows the contents of the Georgia-Pacific Corporation's Petition for Variance, PCB 76-241, which was mailed to the Clerk of the Illinois Pollution Control Board on November 29, 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: Jerry L. Robinson
Jerry L. Robinson

Date: 12/6/83

Subscribed and sworn to me before this 6th day of December, 1983.

Julia B. Zittler
Notary Public

Notary Public in and for the County of Christian, State of Illinois. My commission expires on the 28th day of October, 1986.

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Amendment to Petition for Variance upon the person to whom it is directed, by placing an original and nine copies, in an envelope addressed to:

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

and sending it on December 19, 1983, by overnight express delivery service.

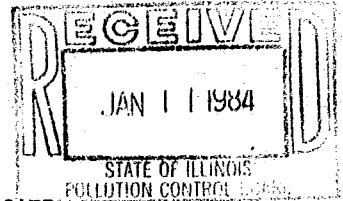
Richard A. Herb

Subscribed and Sworn to before
me this 19th day of December, 1983.

Susan R. Schick
Notary Public

Notary Public, Georgia, State at Large
My Commission Expires Jan. 12, 1985

Do Not Remove



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GEORGIA-PACIFIC CORPORATION,
Petitioner,
v.
ENVIRONMENTAL PROTECTION AGENCY,
Respondent.

)
)
)
)

PCB 83-179

NOTICE

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

Richard A. Horder
Associate General Counsel
Georgia-Pacific Corporation
Law Department
133 Peachtree Street, N.E.
P.O. Box 105605
Atlanta, GA 30348

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the RECOMMENDATION

of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

BY: Gary P. King km
Gary P. King
Attorney
Enforcement Programs

DATE: January 9, 1984
Agency File #: 6972

2200 Churchill Road
Springfield, Illinois 62706
217/782-5544

ATTACHMENTS "C" "A" NOT INCLUDED/
CALLED EPA, GARY KING
/AL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GEORGIA-PACIFIC CORPORATION)
Petitioner,)
v.) PCB 83-179
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

RECOMMENDATION

1. On December 1, 1983, the Agency received a petition from Georgia-Pacific Corporation (Petitioner) seeking relief from the Pollution Control Board's Order of April 2, 1981 (Attachment A). The Order required compliance with an incorporated settlement resolving the Agency's enforcement case in PCB 76-241 (Attachment B). Specifically, Petitioner is seeking relief from that condition of the Board's Order which requires compliance with the Stipulation and Proposal for Settlement filed December 30, 1980.

2. The Agency has provided notice of the filing of the variance petition in accordance with Section 37 of the Act and Section 104.140(b) of the Board's procedural rules.

3. The undersigned has received two letters from citizens in the City of Taylorville area. Copies of those letters are included as Attachments C and D. A copy of this recommendation has been transmitted to each of these citizens. The Agency has evaluated these comments in forming its recommendation, as will be noted later in this recommendation.

Petitioner's Taylorville Facility

4. Petitioner owns and operates a paper mill located in Taylorville, Christian County, Illinois. Petitioner's mill manufactures fine grade papers including stationery, envelope stock, ledger paper, and associated products from cellulose pulp received from other mills. According to the Petitioner, the plant produces about 100 tons of paper per day. Fresh water is obtained from private wells on the property, with City water used in the plant boilers and as a backup service.

5. According to one of Petitioner's permit applications, wastewater is produced by four sources: (1) excess from paper-making process (white water); (2) pump seal water; (3) floor water (hose and pipe leakage); and (4) cooling water. Sanitary wastewater is discharged to a City sanitary sewer.

6. Wastewater from Petitioner's mill flows approximately 2-1/2 miles to its wastewater treatment facilities. According to DMPs submitted by Petitioner, during the period of October, 1982 to September, 1983, the flow averaged 0.853 mgd, BOD averaged 76 mg/l and TSS averaged 29 mg/l. In comparing the reported values with the Board's April 2, 1981 Order, it appears there may have been BOD excursions. The Board Order indicates the average for December through March shall be 100 mg/l. The average of the reported values in this period is 113 mg/l. In the period of April through November, the maximum one month average allowed is 80 mg/l. April's reported value was 114 mg/l. There appear to be no TSS excursions. Presently, wastewater is treated in a 3/4 acre settling basin followed by a 25 acre aerated lagoon with a discharge to a small tributary to the South Fork, Sangamon River. Originally this facility consisted of two 25 acre cells (the present settling basin is located within one of the former 25 acre cells).

7. The facilities now consist of several small lagoons, some of which have been closed, dewatered and covered. Others are still in use. Pursuant to the settlement in PCB 76-241, Petitioner has been building a series of lagoons each of about 0.75 acres in size. They are used as presettling ponds and, when filled with sludge, they are closed, dewatered and covered.

8. The Agency has inspected Petitioner's Taylorville facility on numerous occasions with regard to the stipulation and proposal for settlement approved by the Board Order of April 2, 1981, in PCB 76-241 as identified in paragraph 10 of the Agency's Recommendation in Georgia-Pacific v. IEPA, PCB 82-93.

9. On or about August 2 through 5, 1983, a fishkill occurred in the South Fork of the Sangamon River. The Department of Conservation's investigation determined that 4,459 fish were killed and that the value of the fish was determined to be \$3,194.84. Agency investigations determined that Georgia-Pacific flows had bypassed the treatment facility and had been discharged to the receiving stream causing the fishkill. Payment in full was received from Georgia-Pacific on November 8, 1983 and transmitted to the Department of Conservation on November 15, 1983.

Previous Enforcement Action

10. On April 2, 1981, the Board, in PCB 76-241, found Petitioner in violation of Rule 102 of Chapter 2, Rules 402, 410(a), and 901 of Chapter 3, and Sections 9(a), 12(a), 12(b), and 12(f) of the Act. The Board ordered Petitioner to comply with all the terms and conditions of the Stipulation and Proposal for Settlement (Settlement) filed December 30, 1980 as well as pay a fine of \$10,000.

11. Under the terms of the Settlement, Petitioner agreed to discontinue the use of the wastewater lagoon facility as soon as the wastewater from the paper mill is discharged to the Taylorville Sanitary District. The District was issued a federal grant on November 13, 1981, in the amount of \$2,542,575. This sum represents 75% of the eligible costs, certified by the Agency, for expansion and upgrading of the District's facility. The remaining local share of the project will be paid by Georgia-Pacific under the terms of an agreement with the District. The Agency endorsed award of the construction bid in July, 1982. Construction on this project has been substantially completed; however, a number of operational items have yet to be resolved before diversion of the Georgia-Pacific effluent to the District's facilities can begin. The current projection is that the diversion of flows will begin between January 15, 1984 and February 1, 1984. If, however, flows are not diverted by that time, closure completion dates should not be adversely impacted, since construction efforts are not likely to begin during the winter months in any case.

12. The Settlement required several steps to be taken until the tie-in to the Taylorville Sanitary District is achieved to reduce odors and improve effluent quality. Those requirements are set forth in Paragraph D of the Settlement. Petitioner sought and obtained a variance from items ii, iv and v of Paragraph D in Georgia-Pacific v. IEPA, PCB 82-93 (October 27, 1982). Under the 1982 Order, the Petitioner was to cover Basins B, C and E, by November 30, 1982. Basin D was to be closed and covered within one (1) year after it was no longer used. Cell 1 was

to be covered with dirt from several construction projects by December 30, 1983. Petitioner claims compliance with the conditions of the previous variance. The Agency does not dispute this claim in this proceeding.

13. The Settlement also requires steps to be taken to close out old lagoon two, once flow from the mill is diverted to the Taylorville Sanitary District. These steps are set forth in Paragraph E of the Settlement which provides as follows:

- 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.

Proposed Mode of Operation

14. The Petitioner proposes to change the mode of operation to divert all flows within the lagoons to lagoon #2. Supernatant from lagoon #2 would be discharged via the effluent structure and would be subject to the Board's Order in PCB 76-241. Effluent will be monitored by using the COD test. A correlation between BOD and COD does not currently exist; however, a study is currently underway to gather the information to establish this correlation.

15. After diversion to the Taylorville system has been completed, dewatering operations will begin. Dewatering pits around all the lagoon cells, including lagoon 2, will be pumped out and the effluent from these

pits will be distributed over grassy areas on the property. The details of the distribution system are not clear at this time. Expected flows from the dewatering process are thought to be low, on a per day basis, but it may take five or six months to dewater the sludge.

16. Once the sludge in lagoon 2 is dewatered, the sludge in it will be placed in lagoon E-3. The dikes that formed lagoon 2 will be removed and used as cover on lagoon E-3. Lagoon 2 would then be disced, fertilized and seeded.

Federal Law

17. Issuance of the variance in accordance with the conditions set forth in this recommendation will not be inconsistent with the requirements of federal law. Federal requirements to be met pursuant to Section 301(b)(2) of the Clean Water Act, 33 U.S.C. 1311(b)(2), do not become effective prior to July 1, 1984. Georgia-Pacific's mill discharge will cease before that date according to the proposed schedule. Federal requirements currently in effect under Section 301(b)(1)(A) of the Clean Water Act, 33 U.S.C. 1311(b)(1)(A), ("best practical control technology") are less stringent than effluent limitations in effect under the existing settlement.

Hardship

18. It is apparent to the undersigned, as it was at the time of the Agency's August 26, 1982 recommendation in PCB 82-93, that Petitioner's wastewater treatment facilities remain a source of odors and pollutional discharges which interfere with and disturb the citizens of Taylorville. There is, of course, only one practical solution to this problem:

eliminate Petitioner's existing wastewater lagoons. Immediate elimination of these lagoons would require the Petitioner to eliminate its wastewater and cease businesses. Such a result has obvious implications for the Petitioner and the community of Taylorville. The other alternative is to eliminate the lagoons after tie-in to the Taylorville Sanitary District, which should be concluded within the next couple of months. This is the approach incorporated in the Board's Order of April 2, 1981.

19. Georgia-Pacific proposes a method for closure of lagoon two which is somewhat from that identified in Paragraph E of the settlement. The Agency, however, agrees with Petitioner that the method of closure it proposes in this proceeding is more practical and substantially more cost-effective than the method set forth in the Settlement. Regardless of whether this variance is granted, the quality of the effluent should be unaffected. As such, the Agency believes that an unreasonable hardship would exist were the variance to be denied. Accordingly, the Agency recommends that the variance be granted subject to the following conditions:

A. This variance will expire on December 31, 1984 or upon completion of conditions D, E, and F, whichever comes first.

B. Georgia-Pacific shall cease discharging to its lagoon facilities once connection to Taylorville Sanitary District facilities is achieved and the District accepts full diversion of flows from Georgia-Pacific's paper mill.

C. Attachment A to the variance petition of November 30, 1983 be incorporated by reference for the purpose of identifying units of the facility.

D. By April 30, 1984, Petitioner shall complete the 7 items set forth under Phase I of November 30, 1983 petition.

E. By June 30, 1984, Petitioner shall complete the 7 items set forth under Phase II of its November 30, 1983 petition, as modified by its letter of December 19, 1983.

F. By December 31, 1984 Petitioner shall complete the 4 items set forth under Phase III of its November 30, 1983 petition.

G. By February 1, 1984, Petitioner shall submit to the Agency any permit applications needed to authorize any actions contained in this variance including, but not limited to, the relocation or removal of aerators and the construction of a temporary distribution system for flows from the dewatering system.

H. Petitioner shall establish a correlation between the discharge of chemical oxygen demand and five day biological oxygen demand such that discharges of BOD₅ from lagoon #2 are maintained within the effluent limitations incorporated in PCB 76-241.

I. Within 45 days, Petitioner submits a certification to be bound by the terms of the variance in a form as prescribed by the Board.

20. Except for Condition B, the need for the conditions set forth in Paragraph 19 should be apparent. Condition B is necessary because the Taylorville Sanitary District, after connection is made, may accept flows from the Georgia-Pacific mill on a step increase basis, instead of all-at-once.

21. The Agency reserves the right to amend its recommendation prior to the close of the record in this proceeding.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Gary P. King
Gary P. King

Date: January 5, 1984

GPK:ct/8873C,sp1-9

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 BOD₅ 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 BOD₅ 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).

*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 BOD₅ 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.

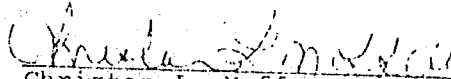
2. Within 60 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$10,000.00 which is to be sent to:

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 2nd day of April, 1981 by a vote of 5-0.



Christian L. Moffett, Clerk
Illinois Pollution Control Board

STATE OF ILLINOIS)
COUNTY OF CHRISTIAN)

RECEIVED
ENFORCEMENT PROGRAMS

FEB 04 1981

Environmental Protection Agency

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)

vs.

PCB 76-241

GEORGIA - PACIFIC CORPORATION, a Georgia)
corporation,)

Respondent.)

RECEIVED
ENFORCEMENT PROGRAMS

FEB 04 1981

NOTICE

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

Richard A. Holder
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

ATTACHMENT 3

STATE OF ILLINOIS }
COUNTY OF CHRISTIAN }

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Complainant,

vs.

GEORGIA - PACIFIC CORPORATION, a Georgia
corporation,

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:

BOD₅

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

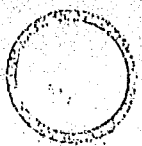
TO: Charles Bliss
221 W. Main Cross
Taylorville, IL 62568

Richard A. Horder
2310 Parklake 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 W. Washington Street
Chicago, IL 60606.

Patrick J. Chesley
Patrick W. Chesley



~~CONFIDENTIAL~~
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD
62706

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 76-241

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,

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

PJC:kd

Enclosures

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.)

STIPULATION OF FACTS AND
PROPOSAL FOR SETTLEMENT

NOW COMES the ENVIRONMENTAL PROTECTION AGENCY, Complainant, by its attorney, Tyrone C. Fahner, 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 ₅	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:

		BOD ₅ 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
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
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 ₅	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.

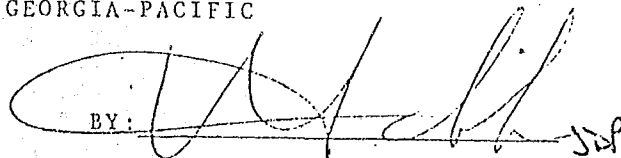
F. The Respondent agrees to obtain all necessary permits from the Environmental Protection Agency to accomplish the provisions of this Proposal for Settlement and agrees to construct and operate any equipment or facility in accordance with the conditions of such permits.

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.

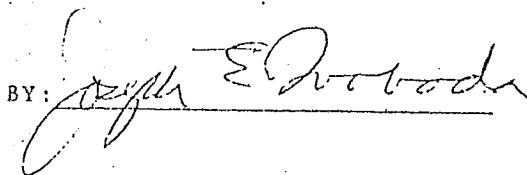
GEORGIA-PACIFIC

DATED: Nov 25, 1980

BY:  JWP

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 Horden
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
Patrick J. Chesley

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached
Recommendation upon the person to
whom it is directed, by placing a copy in an envelope addressed to:

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

Richard A. Horder
Associate General Counsel
Georgia-Pacific Corporation
Law Department
133 Peachtree Street, N.E.
P.O. Box 105605
Atlanta, GA 30348

and mailing it from Springfield, Illinois, on January 9,
1984, with sufficient postage affixed, certified mail, return receipt
requested.

Kimbully A. Martin

SUBSCRIBED AND SWORN TO BEFORE ME

this 9th day of January, 1984.

Barbara K. Mc Gee
Notary Public



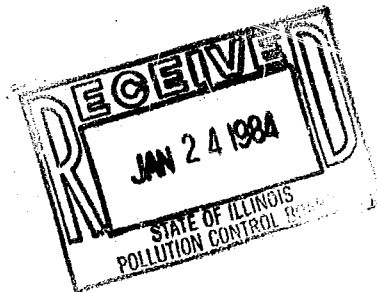
Illinois Environmental Protection Agency · 2200 Churchill Road, Springfield, IL 62706

217/782-5544

January 20, 1984

John Cloney, Hearing Officer
212 Elmore
Park Ridge, IL 60068

Re: Georgia-Pacific Corp. v. IEPA
PCB 83-179



Dear Mr. Cloney:

Enclosed are copies of two letters from citizens in the Taylorville area commenting on the variance request from Georgia-Pacific. When I filed the Agency's recommendation on January 9, 1984 with the Pollution Control Board I failed to see that copies of these letters were included despite my reference to them in the body of the pleading. By copy of this letter I am also sending copies of the citizen comment letters to the Clerk of the Pollution Control Board.

At the time I filed the Agency recommendation I sent copies of that recommendation to the two citizens. Subsequently, on January 11, 1984 I also sent letters to these citizens informing them of the scheduled hearing on January 26, 1984. (Copies attached)

On January 17, 1984, I spoke with Sarah Turnipseed, an attorney with Georgia-Pacific, and she informed me that the company had reviewed the Agency recommendation and concurred with the conditions included therein. It is my understanding that she will be transmitting a letter to the Pollution Control Board indicating this concurrence.

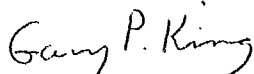
On January 18, 1984, I spoke by telephone with Dennis Ray, one of the citizen commenters, and with David Livingston, brother of the other citizen commenter. Mr. Livingston stated that his brother's letter expressed his concerns as well. Both men had reviewed the Agency recommendation and my previous letter. I explained the variance petition and Agency recommendation to each of them in depth. Mr. Ray found the variance to be acceptable and concluded that there was no need for him to attend the scheduled hearing. Mr.

January 20, 1984
John Cloney, Hearing Officer
Page 2.

Livingston also found the variance to be acceptable and stated affirmatively that neither he nor his brother would attend the hearing scheduled for January 26, 1984.

On January 19, 1984, I spoke with Sarah Turnipseed on the telephone and she authorized me to represent to you, as I have done in our conversation of January 20, 1984, that Georgia-Pacific was waiving its right to a hearing in this matter and that the company was requesting that the Board proceed in this matter on the basis of the pleadings. The Agency concurs that no point would be served in holding a hearing. The parties are in agreement as to the relief and conditions of relief which should be awarded and the only citizen who commented on the variance request do not intend to attend the scheduled hearing. The Agency concurs that the Board should render its order on the basis of the pleadings and that the Hearing Officer should order the hearing scheduled for January 26, 1984 to be cancelled.

Sincerely,



Gary P. King

cc: ~~Chris Moffett~~
Sarah Turnipseed
John Forneris

GPK:kam

Dear Mr. King

I have read the article in
the paper about a variance for
Georgia Pacific Corp.

I don't know what kind of
a variance they have in mind
but I think I would object

The ponds they operate lay
between the highway and the river.

I hunt & fish behind those ponds
and I wish you could see what
they let run into that River once
in a while. I should take color
pictures and send them to you

I don't know what it is they
let in the River. I do know
it looks and smells awful.

This needs to be cleaned up
and delaying it is not helping

T. Harry R. Joston

RECEIVED
ENVIRONMENTAL PROTECTION AGENCY

Dennis Ray
RR# 3 Box 107
Taylorsville, Ill.

62568

Environmental Protection Agency

Dear Sir,

I saw your variance notice in the paper and I'm curious as to what the current plans are for closing lagoon two owned by Georgia Pacific Corporation.

I live approximately one and a quarter miles south of route 4-8 and four tenths of a mile east, almost directly behind the lagoon. I cross the old cemetery bridge at least twice a day and I am sick to death of seeing the water run red with paper dye. I cannot recall the exact number of times this has happened this year, but it has been more than two or three times. One can only imagine the disastrous effects this must be having on the ecology of this area.

If a private citizen was polluting in such a manner, they would be shut down and fined in an instant, but we all know by now that corporations are exempt from such fast action.

Those stinking lagoons are an eye sore, a health hazard, and contribute ~~greatly~~ greatly to air, water and ground pollution.

I can hardly understand how in this day of modern technical achievement how this antiquated method of water disposal can still be tolerated.

I personally protest any delay and encourage any speedup in the closing of lagoon two.

Sincerely,

Dennis Ray



Illinois Environmental Protection Agency · 2200 Churchill Road, Springfield, IL 62706

217/782-5544

January 11, 1984

Dennis Ray
R. R. #3 Box 107
Taylorville, IL 62568

Re: Georgia-Pacific Corp.
Variance PCB 83-179

Dear Mr. Ray:

I have previously sent you a copy of the Agency's recommendation in the above referenced matter. I hope that you have received it and have had the opportunity to review it. If you have any questions please feel free to call me at 217/782-5544. A hearing is currently scheduled for January 26, 1984 in this matter at the Christian County Courthouse in Taylorville. I would appreciate your letting me know if you are planning to attend or if there would be another day which is preferable.

Sincerely,

Gary P. King

Gary P. King
Attorney

cc: Rick Horder

GPK:kam



Illinois Environmental Protection Agency · 2200 Churchill Road, Springfield, IL 62706

217/782-5544

January 11, 1984

R.J. Livingston
19 E. Lawn
Taylorville, IL 62568

Re: Georgia Pacific Corp. Variance
PCB 83-179

Dear Mr. Livingston:

I have previously sent you a copy of the Agency's recommendation in the above referenced matter. I hope that you have received it and have had the opportunity to review it. If you have any questions please feel free to call me at 217/782-5544. A hearing is currently scheduled for January 26, 1984 in this matter at the Christian County Courthouse in Taylorville. I would appreciate your letting me know if you are planning to attend or if there would be another day which is preferable.

Sincerely,

Gary P. King

Gary P. King
Attorney

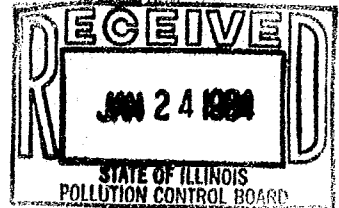
cc: Rick Horder



Georgia-Pacific Corporation

133 Peachtree Street, N.E.
P.O. Box 105605
Atlanta, Georgia 30348
Telephone (404) 521-4000

January 23, 1984



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

RE: Waiver of Hearing, Georgia-Pacific Corporation,
Taylorville, Illinois, PCB83-179

Dear Ms. Moffett:

Enclosed please find Georgia-Pacific's Waiver of Hearing. We are filing this document with the consent of Gary P. King, an attorney with the Environmental Protection Agency of the state of Illinois. Further, Mr. King has advised me that he has discussed this matter with the Hearing Officer, Mr. Cloney.

I would appreciate your filing these documents on our behalf. As required by Section 101.104 of the Board's General Rules, I have included one original and 9 copies.

Sincerely,

Sara S. Turnipseed
Sara S. Turnipseed
Senior Counsel

SST/bpe
Enclosures

cc: Mr. John E. Cloney
212 Elmore
Park Ridge, Illinois 60068

Mr. Gary King
Senior Attorney
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

Georgia-Pacific Corporation)
Taylorville, Illinois)

PCB 83-179

WAIVER OF HEARING AND
REQUEST FOR POSTPONEMENT OF HEARING

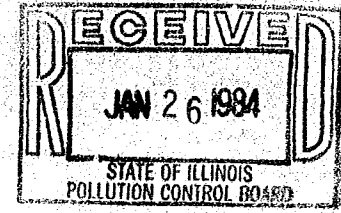
Pursuant to Section 104.124 of the rules of the Illinois Pollution Control Board, Georgia-Pacific Corporation hereby withdraws its Request for Hearing on its Petition for Variance filed with the Illinois Pollution Control Board on November 28, 1983. Georgia-Pacific is waiving the hearing due to its concurrence with the recommendation of the Illinois Environmental Protection Agency, filed with the Board on January 9, 1984. Further, Georgia-Pacific requests a twenty-one (21) day postponement of the hearing originally scheduled. Further, Georgia-Pacific specifically agrees to a twenty-one (21) day extension of the time limitations set forth in Section 104.220 of the Board's General Rules regarding the Board's rendering of a final decision.

Respectfully submitted,

Sara S. Turnipseed
Sara S. Turnipseed, Attorney
for Georgia-Pacific Corporation

January 23, 1984
Date

~~Check Do Not Hear~~



GEORGIA PACIFIC CORPORATION
Taylorville, Illinois,

Petitioner,

-vs-

ENVIRONMENTAL PROTECTION
AGENCY,

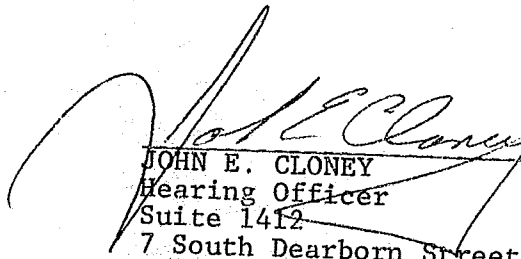
Respondent.

NO. PCB 83-179

ORDER POSTPONING HEARING AND NOTICE OF HEARING

PLEASE TAKE NOTICE that the hearing previously scheduled to take place on the 26th day of January, 1984, at 10,00 A.M. is hereby postponed and rescheduled to the 23rd day of February, 1984 at the same time and place.

Dated this 23rd day of January, 1984 at Chicago, Illinois.


JOHN E. CLONEY
Hearing Officer
Suite 1412
7 South Dearborn Street
Chicago, Illinois 60603
(312) 782-8535

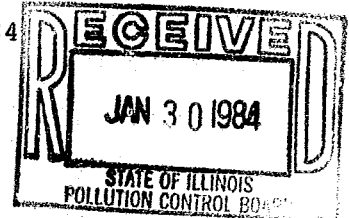
W-4
1-26



Georgia Pacific Corporation

133 Peachtree Street, N.E.
P.O. Box 105605
Atlanta, Georgia 30348
Telephone (404) 521-4000

January 27, 1984



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

RE: Motion to Cancel Hearing on Petition
for Variance, Georgia-Pacific Corporation,
Taylorville, Illinois, PCB83-179

Dear Ms. Moffett:

Enclosed please find Georgia-Pacific Corporation's above referenced Motion. We are filing this document with the agreement of Gary P. King, the attorney representing the Illinois Environmental Protection Agency.

Mr. King has advised me that the Pollution Control Board is scheduled to meet on February 9, 1984. Could you please assure that this Motion is placed on the Board's docket for that day?

I appreciate your filing these documents on our behalf and placing this Motion on the Board's February 9th docket. As required by Section 1.104 of the Board's General Rules, I have included one original and 9 copies.

Sincerely,

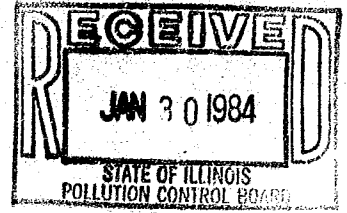
Sara S. Turnipseed
Sara S. Turnipseed
Senior Counsel

SST/dlc
Enclosures

cc: Mr. John E. Cloney
212 Elmore
Park Ridge, IL 60068

Mr. Gary King
Senior Attorney
Illinois Environmental Protection Agency
220 Churchill Road
Springfield, IL 62706

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD



Georgia-Pacific Corporation)
Taylorville, Illinois)

PCB83-179

MOTION TO CANCEL HEARING
ON PETITION FOR VARIANCE

On November 28, 1983, Georgia-Pacific Corporation filed its Petition for Variance with the Illinois Pollution Control Board. Thereafter, on January 9, 1984, the Illinois Environmental Protection Agency submitted its recommendation to the Pollution Control Board. Georgia-Pacific Corporation subsequently notified the Board of its concurrence with the recommendation of the Illinois Environmental Protection Agency and waived its prior request for a hearing on its Petition for Variance.

The Illinois Environmental Protection Agency has received comments regarding Georgia-Pacific Corporation's Petition for Variance from two citizens in the Taylorville area. Gary P. King, the attorney for the Illinois Environmental Protection Agency, advised those citizens of his agency's recommendation and, on January 18, 1984, spoke with Dennis Ray and David Livingston. Both citizens informed Mr. King that their concerns were adequately resolved by the agency's recommendation and that

neither would be attending the public hearing originally scheduled for January 26, 1984. (Mr. King's letter to the Hearing Officer in this matter discussing his contacts with the citizens is attached hereto as Exhibit A.)

It is thus apparent that the concerns of the citizen commentators are resolved by the recommendation of the Illinois Environmental Protection Agency. Further, Georgia-Pacific Corporation has specifically concurred with the Illinois Environmental Protection Agency's recommendation. Therefore, with the consent of Gary P. King, the attorney representing the Illinois Environmental Protection Agency, Georgia-Pacific Corporation respectfully requests that the hearing on its Petition for Variance, now re-scheduled for February 23, 1984, be cancelled since there are no issues to be resolved. All of the parties - citizens, petitioner, and environmental agency - are in agreement.

In further support of its Motion, Georgia-Pacific Corporation respectfully notes that the cancellation of this hearing will avoid the expenditure of a not-insignificant sum for all involved. The funds that Georgia-Pacific Corporation would have to incur to participate in this hearing would be approximately three thousand (\$3,000) dollars. This amount does not reflect the expenses that would be incurred by the Illinois Environmental Protection Agency and the Hearing Officer.

Respectfully submitted,

Sara S. Turnipseed
Sara S. Turnipseed, Attorney
for Georgia-Pacific Corporation

January 27, 1984
Date

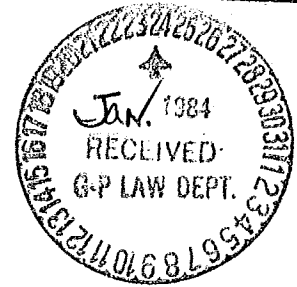


Taylorville - water

217/782-5544.

January 20, 1984

John Cloney, Hearing Officer
212 Elmore
Park Ridge, IL 60068



Re: Georgia-Pacific Corp. v. IEPA
PCB 83-179

Dear Mr. Cloney:

Enclosed are copies of two letters from citizens in the Taylorville area commenting on the variance request from Georgia-Pacific. When I filed the Agency's recommendation on January 9, 1984 with the Pollution Control Board I failed to see that copies of these letters were included despite my reference to them in the body of the pleading. By copy of this letter I am also sending copies of the citizen comment letters to the Clerk of the Pollution Control Board.

At the time I filed the Agency recommendation I sent copies of that recommendation to the two citizens. Subsequently, on January 11, 1984 I also sent letters to these citizens informing them of the scheduled hearing on January 26, 1984. (Copies attached)

On January 17, 1984, I spoke with Sarah Turnipseed, an attorney with Georgia-Pacific, and she informed me that the company had reviewed the Agency recommendation and concurred with the conditions included therein. It is my understanding that she will be transmitting a letter to the Pollution Control Board indicating this concurrence.

On January 18, 1984, I spoke by telephone with Dennis Ray, one of the citizen commenters, and with David Livingston, brother of the other citizen commenter. Mr. Livingston stated that his brother's letter expressed his concerns as well. Both men had reviewed the Agency recommendation and my previous letter. I explained the variance petition and Agency recommendation to each of them in depth. Mr. Ray found the variance to be acceptable and concluded that there was no need for him to attend the scheduled hearing. Mr.

EXHIBIT A

January 20, 1984
John Cloney, Hearing Officer
Page 2.

Livingston also found the variance to be acceptable and stated affirmatively that neither he nor his brother would attend the hearing scheduled for January 26, 1984.

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Sincerely,

Gary P. King

Gary P. King

cc: Chris Moffett
Sarah Turnipseed
John Forneris

GPK:kam

Dear Mr. King

I have read the article in the paper about a variance for Georgia Pacific Corp.

I don't know what kind of variance they have in mind but I think I would object

The ponds they operate lay between the highway and the river.

I heard + felt behind those ponds and I wish you could see what they let run into that River once in a while I should take color pictures and send them to you

I don't know what it is they let in the River. I do know it looks and smells awful.

This needs to be cleaned up and delaying it is not helping

T. Hax R. Joston

RECEIVED
ENFORCEMENT

Dennis Gray
RR# 3 Box 107
Taylorville, Ill.

62568

Environmental Protection Agency

Dear Sir,

I saw your variance notice in the paper and I'm curious as to what the current plans are for closing lagoon two owned by Georgia Pacific Corporation.

I live approximately one and a quarter miles south of route 48 and four tenths of a mile east, almost directly behind the lagoon. I cross the old cemetery bridge at least twice a day and I am sick to death of seeing the water run red with paper dye. I cannot recall the exact number of times this has happened this year, but it has been more than two or three times. One can only imagine the disastrous effects this must be having on the ecology of this area.

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I can hardly understand how in this day of modern technical achievement how this antiquated method of water disposal can still be tolerated.

I personally protest any delay and encourage any speedups in the closing of lagoon two.

Sincerely,

Dennis Ray



Illinois Environmental Protection Agency 2200 Churchill Road, Springfield, IL 62706

217/782-5544

January 11, 1984

Dennis Ray
R. R. #3 Box 107
Taylorville, IL 62568

Re: Georgia-Pacific Corp.
Variance PCB 83-179

Dear Mr. Ray:

I have previously sent you a copy of the Agency's recommendation in the above referenced matter. I hope that you have received it and have had the opportunity to review it. If you have any questions please feel free to call me at 217/782-5544. A hearing is currently scheduled for January 26, 1984 in this matter at the Christian County Courthouse in Taylorville. I would appreciate your letting me know if you are planning to attend or if there would be another day which is preferable.

Sincerely,

Gary P. King

Gary P. King
Attorney

cc: Rick Horder

GPK:kam



Illinois Environmental Protection Agency · 2200 Churchill Road, Springfield, IL 62706

217/782-5544

January 11, 1984

R.J. Livingston
19 E. Lawn
Taylorville, IL 62568

Re: Georgia Pacific Corp. Variance
PCB 83-179

Dear Mr. Livingston:

I have previously sent you a copy of the Agency's recommendation in the above referenced matter. I hope that you have received it and have had the opportunity to review it. If you have any questions please feel free to call me at 217/782-5544. A hearing is currently scheduled for January 26, 1984 in this matter at the Christian County Courthouse in Taylorville. I would appreciate your letting me know if you are planning to attend or if there would be another day which is preferable.

Sincerely,

Gary P. King

Gary P. King
Attorney

cc: Rick Horder

JOHN E. CLONEY
212 Elmore
Park Ridge, Illinois 60068

February 24, 1984

received
2/27/84
mw

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

ATTENTION: Chairman Jacob D. Dumelle

RE: GEORGIA PACIFIC CORPORATION,
Petitioner
-v-
ENVIRONMENTAL PROTECTION AGENCY,
Respondent
No. PCB 83-179

Gentlemen:

A hearing in the captioned matter was conducted by the undersigned at Taylorville, Illinois on February 23, 1984.

Appearances for the parties were:

Sara S. Turnipseed
Senior Counsel
Georgia-Pacific Corporation
P. O. Box 105605
Atlanta, Georgia 30348

FOR PETITIONER

Gary King
Senior Attorney
Illinois Environmental Protection
Agency
220 Churchill Road
Springfield, Illinois 62706

FOR RESPONDENT

February 24, 1984.
State of Illinois
Pollution Control Board
Page 2

No witnesses were presented. The parties stated they would rely on three joint exhibits. They are:

- Joint Exhibit #1 - Petition for Variance filed November 29, 1983
- Joint Exhibit #2 - Clarification of Petition for Variance filed December 19, 1983.
- Joint Exhibit #3 - Recommendation of the Illinois Environmental Protection Agency filed January 5, 1984

No members of the public were present nor was there any media coverage.

The proceedings were recorded by Mrs. Cheri Chapman of the Central States Reporting Service, 240 S. East Street, Virginia, Illinois, 62691 (217-452-3238). She stated she would mail the requisite number of copies of the transcript early in the week of February 27, 1984.

Very truly yours,


JOHN E. CLONEY

JEC/lj

ILLINOIS POLLUTION CONTROL BOARD
December 2, 1983

GEORGIA PACIFIC CORPORATION,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

Respondent.


PCB 83-179

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

This matter comes before the Board upon a November 30, 1983 motion to appear filed by Richard A. Horder, a Georgia attorney representing Georgia-Pacific Corporation. That motion is granted and Mr. Horder is hereby granted leave to appear in this matter.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 18th day of December, 1983 by a vote of 7-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
April 5, 1984

GEORGIA-PACIFIC CORPORATION)
)
Petitioner,)
)
v.) PCB 83-179
)
ENVIRONMENTAL PROTECTION AGENCY)

MR. GARY KING (ATTORNEY AT LAW) APPEARED ON BEHALF OF THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY;

MS. SARA SADLER TURNIPSEED (ATTORNEY AT LAW) APPEARED ON BEHALF
OF GEORGIA-PACIFIC.

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

This matter comes before the Board upon a November 30, 1983 petition and a December 30, 1983 amended petition for variance filed on behalf of the Georgia-Pacific Corporation requesting relief from a Board Order requiring a particular plan for closure of its wastewater lagoon system. On January 11, 1984, the Illinois Environmental Protection Agency (Agency) filed a recommendation that variance be granted subject to certain conditions. Hearing was held on February 23, 1984 at which the parties, but no members of the public, appeared.

Georgia-Pacific owns and operates a paper mill located in Taylorville, Christian County which manufactures fine grade papers including stationery, envelope stock, ledger paper, and associated products from cellulose pulp received from other mills. The plant produces about 100 tons of paper per day utilizing fresh water from private wells on the property and water from the City of Taylorville in the plant boilers and for backup service. Wastewater results from excess in the paper-making process, pump seal water, hose and pipe leakage, and cooling water. Sanitary wastewater is discharged to a City sanitary sewer.

The wastewater flows approximately 2½ miles to wastewater treatment facilities. During the period of October, 1982 to September, 1983, the flow averaged 0.853 mgd, BOD averaged 76 mg/l and TSS averaged 29 mg/l. Pursuant to a settlement in PCB 76-241, Georgia-Pacific has been building a series of lagoons each of about 0.75 acres in size which are used as presettling

ponds and which are closed, dewatered and covered when they become filled with sludge. The wastewater is then treated in settling basins "D" and "E₃" followed by a 25-acre aerated lagoon (Lagoon two) with a discharge to a small tributary to the South Fork of the Sangamon River.

On April 2, 1981, the Board, in PCB 76-241, (41PCB151) found Georgia-Pacific in violation of Rule 102 of Chapter 2, Rules 402, 410(a), and 901 of Chapter 3, and Sections 9(a), 12(a), 12(b), and 12(f) of the Environmental Protection Act. The Board ordered Georgia-Pacific to comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on December 30, 1980. Under the terms of the Settlement, Georgia-Pacific agreed to discontinue the use of the wastewater lagoon facility as soon as the wastewater from the paper mill could be diverted to the Taylorville Sanitary District, which was issued a federal construction grant on November 13, 1981, in the amount of \$2,542,575 for expansion and upgrading of the District's facility. The remaining local share of the project was to be paid by Georgia-Pacific under the terms of an agreement with the District.

Construction on this project has been substantially completed, although a number of operational items have to be resolved before diversion of the Georgia-Pacific effluent to the District's facilities can begin. The most current projection in the record is that diversion was to have begun between January 15, 1984 and February 1, 1984.

Georgia-Pacific requests that Paragraph E of the Proposal for Settlement as incorporated into the Board's April 2, 1981 Order be modified to allow Georgia-Pacific to utilize a more practical and cost effective method of closure of lagoon two. The proposal also incorporates a method to dewater Basins D and E₃ to enable compliance with Paragraph D.ii of that Order.

The materials treated in the settling basin portion of the waste treatment system are approximately 700,000 gallons of papermill effluent per day containing 10,000 pounds of suspended solids and 5,000 pounds of BOD. This material is treated in these basins to remove the suspended solids and a portion of the BOD. The materials discharged from the settling basins into the aerated basin for treatment are comprised of approximately 700,000 gallons per day of clarified effluent containing approximately 450 pounds of total suspended solids and 2,400 pounds of BOD. The discharge from lagoon two is to Flat Branch Creek tributary to South Fork River and consists of approximately 700,000 gallons per day containing 290 pounds of BOD and 230 pounds of suspended solids.

The Board's Order in 76-241 generally calls for covering abandoned sludge settling ponds and aerated basins with at least 1 foot of dirt and establishing a vegetative growth within 1 year of abandonment. Georgia-Pacific alleges that this closure method has proven impractical and overly expensive in that covering the 25-acre aerated basin (lagoon 2) with a minimum of 1 foot of dirt is virtually impossible. The amount of cover actually required has proven to be much more than anticipated in that it must be several feet thick in order to provide enough support for earth hauling equipment. Also, when attempting to cover the sludge in place in such a large area, Georgia-Pacific states that "the sludge oozes ahead of the fill being applied and ends up being entombed in a mound of dirt at the far edge of the basin." For these reasons, Georgia-Pacific proposes to remove the sludge from lagoon 2 and consolidate it into the E₃ settling basin, enabling all of the sludge to be covered in one area and permitting grading from this area outward and downward to the natural contours surrounding the site.

Georgia-Pacific further alleges that the closure cost pursuant to the Board's Order in PCB 76-241 is \$525,027 while the cost of the proposed closure plan is only \$196,960. Its Corporate Environmental Engineering Department has made an "extensive analysis" of environmentally acceptable and cost effective alternatives, but could not identify any. Finally, while alleging that granting of the variance will result in a beneficial environmental impact, Georgia-Pacific also agrees to monitor biochemical and chemical oxygen demand and suspended solids and to limit the discharge of BOD and SS to certain levels to minimize any adverse environmental impact.

The Agency agrees with Georgia-Pacific that the method of closure proposed in this proceeding is more practical and substantially more cost-effective than the method set forth in the Settlement, and that if variance is granted, the quality of the effluent should be unaffected. Therefore, the Agency believes that an unreasonable hardship would exist if variance were to be denied.

The Board concludes that denial of variance would impose an arbitrary and unreasonable hardship and also finds that the conditions which Georgia-Pacific and the Agency have agreed should be imposed upon the granting of variance are appropriate. The Board will, therefore, grant variance subject to conditions generally in accordance with Georgia-Pacific's variance request.

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

ORDER

The Georgia-Pacific Corporation is hereby granted variance from Paragraph E of the Stipulation and Proposal for Settlement filed December 30, 1980 in PCB 76-241 which is incorporated by reference in Condition E of the Board's April 2, 1981 Order in that matter, subject to the following conditions:

1. This variance shall expire December 31, 1984 or upon completion of Conditions 3, 4 and 5, below;
2. Georgia-Pacific shall cease discharging to its lagoon facilities once connection to Taylorville Sanitary District facilities is achieved and the District accepts full diversion of flows from Georgia-Pacific's paper mill;
3. By April 30, 1984 Georgia-Pacific shall:
 - a. Divert the flow from the "Hopper Sewer" into the existing drainage ditch;
 - b. Install drain pits in the dike between "C" and "D";
 - c. Install drain pits in the dike between "D" and "E₃";
 - d. Dewater "C" and "D" by pumping excess water to lagoon 2;
 - e. Pump free water from "E₃" as needed to lagoon 2;
 - f. Relocate two aerators in lagoon 2 toward the discharge end of lagoon; and
 - g. Remove the three remaining aerators;
4. By June 30, 1984 Georgia-Pacific shall:
 - a. Remove excess fill from "E₁", "B", and "C" and cover "D";
 - b. Seed and fertilize all filled areas;
 - c. Dredge and pump sludge from lagoon 2 into "E₃";
 - d. Drain water from lagoon 2 through the existing outfall to the proximity of any residual sludge.

BOD compliance shall be maintained through COD testing of effluent as it relates to BOD.

- e. Remove last aerator and diversion curtain;
 - f. Cut dikes on lagoon 2 - Dewater sludge using sump pumps; and
 - g. Remove any remaining sludge from bottom of lagoon 2 and deposit in "E₃";
5. By December 31, 1984 Georgia-Pacific shall:
- a. Dewater "E₃" using drain pits in the dikes. The supernatant is to be pumped over an established grassed area;
 - b. Cover "E₃" using dikes from lagoon 2;
 - c. Recontour entire area; and
 - d. Seed and fertilize the remaining area;
6. Georgia-Pacific shall immediately submit to the Agency, if it has not already done so, any permit applications needed to authorize any actions contained in this variance including, but not limited to, the relocation or removal of aerators and the construction of a temporary distribution system for flows from the dewatering system;
7. Georgia-Pacific shall establish a correlation between the discharge of chemical oxygen demand and five day biochemical oxygen demand such that discharges of BOD₅ from lagoon 2 are maintained within the effluent limitations incorporated in PCB 76-241; and
8. Within 45 days of the date of this Order, the Georgia-Pacific Corporation shall execute a Certificate of Acceptance and Agreement which shall be sent to: Illinois Environmental Protection Agency, Division of Water Pollution Control, Compliance Assurance Section, 2200 Churchill Road, Springfield, Illinois 62706. This certification shall have the following form:

CERTIFICATION

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 83-179, dated April 5, 1984, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 5th day of April, 1984 by a vote of 6-0.

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

TRANSCRIPT

PCB 83-179

I N D E X

WITNESSES

PAGE

(None.)

E X H I B I T S

Joint Exhibits #1,
2, and 3

PAGE

3

CENTRAL STATES REPORTING SERVICE
BY: Cheri Chapman, C.S.R., RPR
303½ West State
Jacksonville, IL 62650



1 THE HEARING OFFICER: My name is John E. Cloney.
2 Would the parties state their appearances for
3 the record?

4 MS. TURNIPSEED: Appearing for the company, Sara
5 Turnipseed. I am representing Georgia-Pacific today, and
6 I have with me Jerry Robinson, the manager of the Taylorville
7 plant; Tom McAlpine from the Taylorville plant; and Jerry
8 Ritter from the Atlanta Corporate Office.

9 MR. KING: My name is Gary King. I am here on behalf
10 of the Illinois E. P. A.

11 THE HEARING OFFICER: Are there any other appearances?

12 I understand from an off the record discussion
13 which took place just a few moments ago that the parties are
14 either in a position to stipulate to certain things or to
15 introduce certain documents upon which they intend to rest;
16 is that correct?

17 MS. TURNIPSEED: Yes, sir.

18 MR. KING: That is correct.

19 MS. TURNIPSEED: Could we have these marked as exhibits?

20 THE HEARING OFFICER: Yes.

21 (Joint exhibits #1, 2, and 3
22 were duly marked for identifica-
23 tion, as of this date.)

24 MS. TURNIPSEED: We are putting on the record, Mr. Cloney.
25



1 Georgia-Pacific's Petition for Variance and a Clarification
2 of the Petition, which would be Exhibits 1 & 2, and the third
3 exhibit would be the Agency's Recommendation.

4 THE HEARING OFFICER: And there is agreement that they
5 will be entered as Joint Exhibits; is that correct?

6 MR. KING: That's correct.

7 THE HEARING OFFICER: They will be received as Joint
8 Exhibits #1, 2, and 3.

9 Do either of the parties have any further informa-
10 tion which they want to enter into the record or statements
11 to make?

12 MS. TURNIPSEED: Georgia-Pacific does not.

13 MR. KING: E. P. A. has no further evidence to introduce.

14 THE HEARING OFFICER: Let the record show that, at this
15 point, then, I am opening the hearing to comments from the
16 public, and at this point there does not seem to be anyone
17 from the public in attendance, and the time is roughly five
18 minutes after ten a.m. in the morning. There was notice for
19 hearing at 10:00 a.m.; is that correct?

20 MS. TURNIPSEED: Yes.

21 THE HEARING OFFICER: Any further business?

22 MS. TURNIPSEED: No, sir.

23 MR. KING: No, sir.

24 THE HEARING OFFICER: Off the record.



(Discussion held off the record.)

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THE HEARING OFFICER: Mr. King went out into the hall to see if there were any members of the public who were interested in being heard at this hearing, and no one seems to be here. And, accordingly, I think it is appropriate at this point to close the record, and this hearing is closed.

(Which was all the evidence offered and received and all other proceedings had this date.)



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CERTIFICATE OF NOTARY PUBLIC
AND COURT REPORTER

I, Cheryl A. Chapman, a Notary Public and
Certified Shorthand Reporter within and for the County of
Greene, State of Illinois, do hereby certify that I did take
down in shorthand all of the testimony given in the hearing
held before Mr. John E. Cloney, at Taylorville, Christian
County, Illinois, on February 23, 1984.

And I further certify that the foregoing and
attached is a true, correct, and complete transcription
of all my shorthand notes so stenographically reported by
me personally, and which I later personally caused to be
reduced to typewritten transcript.

Given at Greenfield, Greene County, Illinois,
this 25th day of February, A. D., 1984.


(Notary Public & C.S.R.)

My Commission Expires:
September 28, 1984.



Joint Ex. #1
cgc 2/23/84

F
x

Georgia-Pacific Corporation

Law Department

133 Peachtree Street, N.E.
P. O. Box 105605
Atlanta, Georgia 30348
Telephone (404) 521-4846

November 28, 1983

Richard A. Horder
Associate General Counsel


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

RE: PETITION FOR VARIANCE, GEORGIA-PACIFIC CORPORATION,
TAYLORVILLE, ILLINOIS, PCB76-241

Dear Ms. Moffett:

Enclosed please find a Petition for Variance and Motion to Appear on behalf of Georgia-Pacific Corporation, Lockport, Illinois. As required by Section 101.104 of the Board's General Rules, I have included one original and nine copies of each document.

If you have any questions or require further information, please contact me.

Yours truly,

Richard A. Horder

RAH/eh

Enclosures

cc: Mr. Gary King
Senior Attorney
2200 Churchill Road
Illinois Environmental Protection Agency
Springfield, Illinois 62706

Mr. John J. Forneris, P.E.
Manager Region V Springfield
Division of Water Pollution Control
Illinois Environmental Protection Agency
4500 S. Sixth Street
Springfield, IL 62706

Messrs. Jerry Robinson - Taylorville, IL
Gerald Ritter - Atlanta, GA
Tom McAlpine - Taylorville, IL
Ron Presley - Atlanta, GA

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

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

PETITION FOR VARIANCE

Georgia-Pacific Corporation hereby petitions the Illinois Pollution Control Board (Board) for a Variance from certain terms of the OPINION and ORDER of the Board adopted on April 2, 1981, which apply to the closure of lagoon two. As required by Section 104.121 of the Board's Procedural Rules, Georgia-Pacific Corporation submits the following information in support of this Petition:

a) A clear and complete statement of the precise extent of relief sought, including specific identification of particular provisions of regulations or Board Orders from which variance is sought.

Georgia-Pacific requests that Section E. of the Proposal for Settlement of the ORDER and OPINION of the Board, adopted on April 2, 1981 (ORDER), be modified to allow Georgia-Pacific to utilize a more practical and more cost effective method of closure of lagoon two. The proposal also incorporates a method to effectively dewater Basins D and E₃ to enable compliance with Section D.ii of the ORDER. Accordingly, Georgia-Pacific requests that the language of the ORDER be modified as follows:

PROPOSAL FOR SETTLEMENT

E. The Parties agree that, once the wastewater from the mill is tied into the Taylorville Sanitary District, lagoon two, Basin D and Basin E₃, including the remaining reserve area, will be closed out utilizing the following closure plan:

PHASE I - (Approximately

January 1, 1984 - April 1984)

1. Divert flow from "Hopper Sewer" into existing drainage ditch.
2. Install drain pits in dike between "C" and "D".
3. Install drain pits in dike between "D" and "E₃".
4. Dewater "C" and "D" by pumping excess water to lagoon 2.
5. Pump free water from "E₃" as needed to lagoon 2.
6. Relocate two aerators in lagoon 2 toward discharge end of lagoon.
7. Remove three remaining areators.

PHASE II - (May - June 1984)

1. Remove excess fill from "E₁", "B", and "C" and cover "D".
2. Seed and fertilize all filled areas.

3. Dredge and pump sludge from lagoon 2 into "E₃".

4. Drain water from lagoon 2 through existing outfall down to proximity of any residual sludge. BOD compliance to be maintained through COD testing of effluent as it relates to BOD. Ratio to be established through prior laboratory work.

5. Remove last aerator and diversion curtain.

6. Cut dikes on lagoon 2 - Dewater sludge using sump pumps.

7. Remove any remaining sludge from bottom of lagoon 2 and deposit in "E₃".

PHASE III - (July - December 1984)

1. Dewater "E₃" using drain pits in the dikes. Supernate to be pumped over established grassed area.

2. Cover "E₃" using dikes from lagoon 2.

3. Recontour entire area.

4. Seed and fertilize remaining area.

A diagram of the wastewater treatment lagoons is attached for reference

(Attachment A).

The Parties agree that final closure of lagoon two, Basin D and Basin E₃ will be accomplished within one (1) year from the date the wastewater flow is fully diverted to the Taylorville Sanitary District. If this closure plan proves infeasible, impractical or is found to cause a violation of the Act or the regulations, then the Parties agree to meet and discuss alternative solutions.

b) A description of the business or activity of the petitioner including the size of the business and number of employees and a description of the location and area affected by petitioner's operations.

The Georgia-Pacific Taylorville mill is in the business of stationery paper manufacturing. The plant produces approximately 100 tons of paper per day and employs a total of 145 union and salaried personnel. The mill is located at Elm Street and Hopper Drive in Taylorville, Christian County, Illinois. The wastewater treatment plant is located southeast of Taylorville on the southeast side of Illinois Route 48, approximately three-fourths of a mile southwest of the junction of Illinois Route 48 and Illinois Route 26.

c) The quantity and types of materials used in the process or activity for which the variance is required and a full description of the particular process or activity in which the materials are used.

Georgia-Pacific is seeking a variance in the closure plan for lagoon two and in the method of dewatering settling basins D and E₃. The materials treated in the settling basin portion of the waste treatment system are approximately 700,000 gallons of papermill effluent per day containing 10,000 pounds of suspended solids and 5,000 pounds of BOD. This material is treated in these basins to remove the suspended solids and a portion of the BOD.

The materials discharged from the settling basins into the aerated basin for treatment are comprised of approximately 700,000 gallons per day of clarified effluent containing approximately 450 pounds of total suspended solids and 2,400 pounds of BOD.

d) The quantity and types of materials discharged from the process or activity requiring the variance; the location of the points of discharge, and, as applicable, the identification of the receiving waterway or land, or the location of nearest air monitoring station maintained by the Agency.

The discharge from lagoon two is to Flat Branch Creek tributary to South Fork River and consists of approximately 700,000 gallons per day containing 290 pounds of BOD and 230 pounds of suspended solids.

e) Data describing the nature and extent of the present failure to meet the numerical standards or particular provisions from which variance is sought and a factual statement of why compliance with the Act and regulations was not or cannot be achieved by required compliance dates.

Georgia-Pacific is presently in compliance with the terms of PCB 76-241 and the subsequent variance PCB 82-93. This variance request is made to enable Georgia-Pacific to utilize a closure plan which is more practical and cost effective than the plan stipulated in the ORDER.

f) A detailed description of existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the Act and regulations, including a time schedule for the implementation of all phases of the control program from initiation of design to program completion and estimated costs for each phase and the total cost to achieve compliance.

The proposed closure plan and time schedule has been detailed in Section a.

g) An assessment, with supporting factual information, of environmental impact that the variance will impose on human, plant, and animal life in the affected area, including, where applicable data describing the existing air and water quality which discharge may affect.

It is anticipated that the proposed closure plan will have a beneficial environmental impact and that the closed site will blend naturally with the surrounding area.

h) Past effort to achieve compliance including costs incurred, results achieved, permit status and for publicly-owned treatment works or connections thereto, construction grant status.

Illinois Pollution Control Board Order
76-241 generally calls for covering abandoned
sludge settling ponds and aerated basins with
at least 1 foot of dirt and establishing a
vegetative growth within 1 year of
abandonment. This closure method has proven
impractical and overly expensive as used to
date. Covering the 25-acre aerated basin
(lagoon 2) with a minimum of 1 foot of dirt is
virtually impossible to do as past experience
has shown that the amount of cover actually
required turns out to be several feet thick in
order to provide enough support for earth
hauling equipment. Also, when attempting to
cover the sludge in place in a large area, the
sludge oozes ahead of the fill being applied
and ends up being entombed in a mound of dirt
at the far edge of the basin.

For these reasons, Georgia-Pacific proposes
to remove the sludge from lagoon 2 and
consolidate it into the E₃ settling basin.
This consolidation will enable all of the
sludge to be covered in one area and will
permit grading from this area outward and
downward to the natural contours surrounding
the site.

This variance request, in addition to presenting a more practical closure plan, also presents a plan which has a more cost effective utilization of the limited funds at the Taylorville mill. Projected costs associated with the ORDER and the proposed closure plan are as presented below:

Closure Cost as per PCB Order 76-241

\$ 40,000	Spray Irrigation
56,455	Cover "D"
67,760	Cover "E ₃ "
282,330	Cover Cell #2
<u>10,000</u>	Seed and Fertilize
\$456,545	
<u>68,482</u>	15% Contingency
\$525,027	

Proposed Closure Plan Cost

\$ 3,910	Phase I
136,240	Phase II
<u>31,120</u>	Phase III
\$171,270	
<u>25,690</u>	15% Contingency
\$196,960	

i) A discussion of the availability of alternate methods of compliance, the extent that such methods were studied, and the comparative factors leading to the selection of control program proposed to achieve compliance.

Extensive analysis by the Georgia-Pacific Corporate Environmental Engineering Department staff identified no other cost effective alternates which are environmentally acceptable.

j) A statement of measures to be undertaken during the period of the variance to minimize impact of the discharge of contaminants on human, plant, and animal life in the affected area, including the numerical interim discharge limitations which can be achieved during the period of the variance.

Georgia-Pacific will establish a BOD:COD ratio in it's laboratory prior to emptying lagoon two. COD tests will be performed on the effluent from lagoon two, as it is being emptied, at a frequency to insure compliance with existing BOD effluent limits. The BOD discharge limitations specified in the ORDER are:

80 mg/l average April-November

100 mg/l average December-March

150 mg/l average allowed for one month
December-March

Suspended solids (TSS) will also be monitored while emptying lagoon two to insure compliance with effluent limits. The TSS discharge limitation specified in the ORDER are:

60 mg/l average November-May

80 mg/l average July-October

120 mg/l average allowed for one month

July-October

k) A concise factual statement of reasons petitioner believes that compliance with the particular provisions of the regulations or Board Order would impose arbitrary or unreasonable hardship.

Compliance with the closure plan for lagoon two, as specified in the ORDER, would impose an economic hardship on the Taylorville mill. Implementation of the closure plan which is the subject of this variance request is a more cost effective utilization of available funds.

As required by Section 104.22 of the Board's General Rules, Georgia-Pacific has analyzed this variance request to determine whether the granting of the variance request would be consistent with the Clean Air Act (42 USC 7401 et seq) and the regulations adopted pursuant thereto and the Clear Water Act (33 USC 1251 et seq), and regulations adopted pursuant thereto, USEPA effluent guidelines and standards and other applicable federal regulations. Based on this review, it is Georgia-Pacific's belief that the Board may grant the request for relief consistent with the above laws and regulations.

Under Section 104.124 of the Board's General Rules, Georgia-Pacific hereby requests that a hearing be held on this petition.

In summary, Georgia-Pacific requests that the Board grant this Petition to allow the Taylorville mill to utilize a more practical and more cost effective closure plan for lagoon two, basin D and basin E3 than the plan stipulated in PCB 76-241.

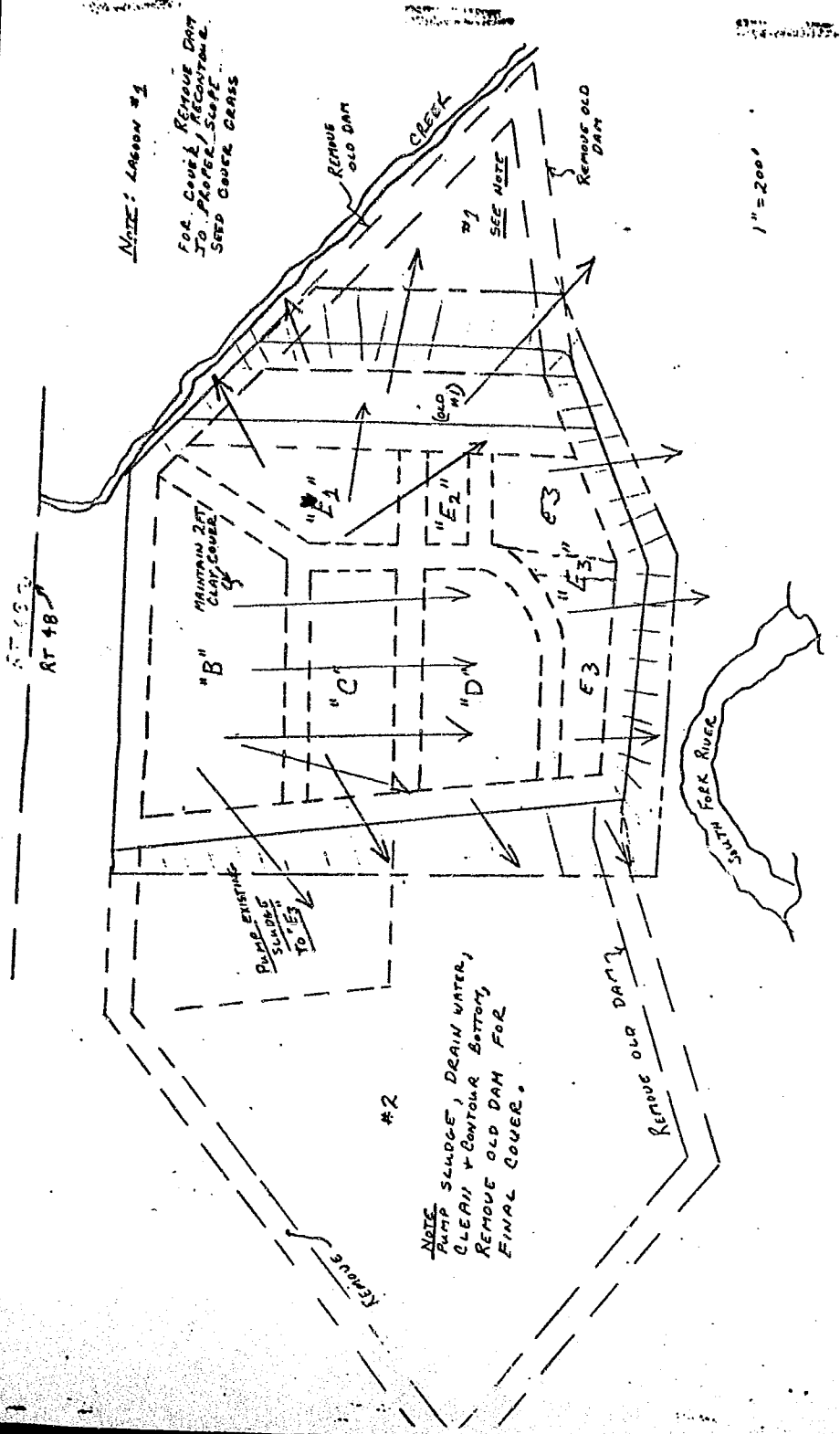
Respectfully submitted,

Richard A. Gordon

NOV 29, 1983

Date

Attachment A



TAYLORVILLE ILL. SLUDGE PROJECT
R. PARRISH

BEFORE THE ILLINOIS POLLUTION

GEORGIA-PACIFIC CORPORATION)
TAYLORVILLE, ILLINOIS)
Petitioner)
)
)

PCB 76-241

MOTION TO APPEAR


Petitioner Georgia-Pacific Corporation requests, pursuant to Section 101.106(b) of the Illinois Pollution Control Board's (the "Board") General Rules, that Richard A. Horder, attorney for Georgia-Pacific Corporation, be allowed to appear before the Board on behalf of Georgia-Pacific in the above-referenced matter. In support of this Motion, Georgia-Pacific, by and through its attorney, states as follows:

1. Richard A. Horder is employed as an attorney by Georgia-Pacific Corporation in Atlanta, Georgia, and represents Georgia-Pacific in environmental matters.

2. Richard A. Horder was admitted to the State Bar of Florida in December, 1971, and the State Bar of Georgia in November, 1974, and is currently an active member of both Bars.

WHEREFORE, Petitioner requests that the Illinois Pollution Control Board allow Richard A. Horder to appear before the Board on behalf of Georgia-Pacific Corporation.

Respectfully submitted,


Richard A. Horder
Attorney, Georgia-Pacific
Corporation

November 28, 1983

133 Peachtree Street, N.E.
P.O. Box 105605
Atlanta, Georgia 30348
(404) 521-4810

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Petition for Variance and Motion to Appear upon the person to whom it is directed, by placing an original and nine copies, in an envelope addressed to:

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

and sending it on Nov 29, 1983, by overnight express delivery service.

Richard A. Hord

Subscribed and Sworn to before
me this 29th day of
November, 1983.

Kitty S. Pinson
Notary Public

KITTY S. PINSON
Notary Public, Georgia, State at Large
My Commission Expires Jan. 18, 1987

Joint Ex. #2
of 2/23/84

Taylorville, DL
H2O X

Georgia-Pacific Corporation

Law Department

133 Peachtree Street, N.E.
P. O. Box 105605
Atlanta, Georgia 30348
Telephone (404) 521-4846

Richard A. Horder
Associate General Counsel

December 19, 1983

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

RE: CLARIFICATION OF PETITION FOR VARIANCE, GEORGIA-PACIFIC
CORPORATION, TAYLORVILLE, ILLINOIS, PCB76-241

Dear Ms. Moffett:

Two items in Georgia-Pacific Corporation's November 28, 1983 Petition for Variance require clarification. First, the cover letter erroneously refers to Lockport, Illinois rather than Taylorville, Illinois. The variance request itself is correct in that it specifies the Taylorville, Illinois location.

Second, on page 3 of the Petition for Variance, Phase II, item 6 should be changed to read:

6. Excavate leachate collection sumps inside the dikes around lagoon 2 to enable dewatering of any remaining sludge. Leachate collected in the sumps to be pumped out over vegetated area.

Enclosed for filing is an Amendment to Petition for Variance which incorporates the above change.

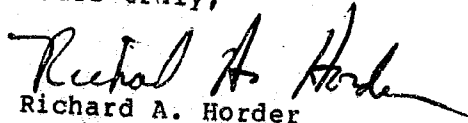
Also enclosed please find the Affidavit of Jerry L. Robinson, the plant manager of the Taylorville facility which is in support of both the Petition for Variance and the Amendment to Petition for Variance.

I would appreciate if you would file these documents on my behalf. As required by Section 101.104 of the Board's General Rules, I have included one original and nine copies of each document.

Ms. Christan L. Moffett
November 19, 1983
Page 2

If you have any questions or require further information,
please contact me.

Yours truly,


Richard A. Horder

RAH/eh

Enclosures

cc: Mr. Gary King
Senior Attorney
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Mr. John J. Forneris, P.E.
Manager Region V Springfield
Division of Water Pollution Control
Illinois Environmental Protection Agency
4500 S. Sixth Street
Springfield, IL 62706

bcc: { Jerry Robinson, Taylorville, IL
G. Fred McCaig, Atlanta, GA
Gerald Ritter, Atlanta, GA
Tom McAlpine, Taylorville, IL
Ron Presley, Atlanta, GA

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

Georgia-Pacific Corporation)
Taylorville, Illinois)

PCB 76-241

AMENDMENT TO PETITION FOR VARIANCE

Georgia-Pacific Corporation hereby amends its Petition for Variance previously filed with the Illinois Pollution Control Board (Board) by letter of November 28, 1983, by substituting for item 6, Phase II, on page 3 of the Petition for Variance the following language:

6. Excavate leachate collection sumps inside the dikes around lagoon 2 to enable dewatering of any remaining sludge. Leachate collected in the sumps to be pumped out over vegetated area.

Respectfully submitted,


Richard A. Horder

Dec 19, 1983
Date

BEFORE THE ILLINOIS POLLUTION

GEORGIA-PACIFIC CORPORATION)
TAYLORVILLE, ILLINOIS)
Petitioner)
)
)

PCB 76-241

AFFIDAVIT IN SUPPORT OF
PETITION FOR VARIANCE

STATE OF ILLINOIS
COUNTY OF WILL

Jerry L. Robinson, having been first duly sworn, deposes
and says:

1. That he is the Plant Manager of the Georgia-Pacific Corporation facility at Taylorville, Illinois, 1200 Elm Street, East, Taylorville, Illinois.
2. That he has read and knows the contents of the Georgia-Pacific Corporation's Petition for Variance, PCB 76-241, which was mailed to the Clerk of the Illinois Pollution Control Board on November 29, 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]
Jerry L. Robinson

Date: 12/13

Subscribed and sworn to me before this 6th day of December, 1983.

[Signature]
Notary Public

Notary Public in and for the County of Christian, State of Illinois. My commission expires on the 28th day of October, 1986.

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Amendment to Petition for Variance upon the person to whom it is directed, by placing an original and nine copies, in an envelope addressed to:

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

and sending it on December 19, 1983, by overnight express delivery service.

Richard A. Herbo

Subscribed and Sworn to before
me this 19th day of December, 1983.

Susan R. Schick
Notary Public

Notary Public, Georgia, State at Large
My Commission Expires Jan. 12, 1985

Joint Ex. #3
cgc 2/23/84

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GEORGIA-PACIFIC CORPORATION,
Petitioner,
v.
ENVIRONMENTAL PROTECTION AGENCY,
Respondent.

)
)
)
)

PCB 83-179

NOTICE

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

Richard A. Horder
Associate General Counsel
Georgia-Pacific Corporation
Law Department
133 Peachtree Street, N.E.
P.O. Box 105305
Atlanta, GA 30348

PLEASE TAKE NOTICE that I have today filed with the Office of the
Clerk of the Pollution Control Board the RECOMMENDATION

of the Illinois Environmental Protection Agency, a copy of which is herewith
served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

BY: Gary P. King
Gary P. King
Attorney
Enforcement Programs

DATE: January 9, 1984
Agency File #: 6972

2200 Churchill Road
Springfield, Illinois 62706
217/782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GEORGIA-PACIFIC CORPORATION
Petitioner,

v.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent.

)
)
) PCB 83-179
)
)

RECOMMENDATION

1. On December 1, 1983, the Agency received a petition from Georgia-Pacific Corporation (Petitioner) seeking relief from the Pollution Control Board's Order of April 2, 1981 (Attachment A). The Order required compliance with an incorporated settlement resolving the Agency's enforcement case in PCB 76-241 (Attachment B). Specifically, Petitioner is seeking relief from that condition of the Board's Order which requires compliance with the Stipulation and Proposal for Settlement filed December 30, 1980.
2. The Agency has provided notice of the filing of the variance petition in accordance with Section 37 of the Act and Section 104.140(b) of the Board's procedural rules.
3. The undersigned has received two letters from citizens in the City of Taylorville area. Copies of those letters are included as Attachments C and D. A copy of this recommendation has been transmitted to each of these citizens. The Agency has evaluated these comments in forming its recommendation, as will be noted later in this recommendation.

Petitioner's Taylorville Facility

4. Petitioner owns and operates a paper mill located in Taylorville, Christian County, Illinois. Petitioner's mill manufactures fine grade papers including stationery, envelope stock, ledger paper, and associated products from cellulose pulp received from other mills. According to the Petitioner, the plant produces about 100 tons of paper per day. Fresh water is obtained from private wells on the property, with City water used in the plant boilers and as a backup service.
5. According to one of Petitioner's permit applications, wastewater is produced by four sources: (1) excess from paper-making process (white water); (2) pump seal water; (3) floor water (hose and pipe leakage); and (4) cooling water. Sanitary wastewater is discharged to a City sanitary sewer.
6. Wastewater from Petitioner's mill flows approximately 2-1/2 miles to its wastewater treatment facilities. According to DMRs submitted by Petitioner, during the period of October, 1982 to September, 1983, the flow averaged 0.853 mgd, BOD averaged 76 mg/l and TSS averaged 29 mg/l. In comparing the reported values with the Board's April 2, 1981 Order, it appears there may have been BOD excursions. The Board Order indicates the average for December through March shall be 100 mg/l. The average of the reported values in this period is 113 mg/l. In the period of April through November, the maximum one month average allowed is 80 mg/l. April's reported value was 114 mg/l. There appear to be no TSS excursions. Presently, wastewater is treated in a 3/4 acre settling basin followed by a 25 acre aerated lagoon with a discharge to a small tributary to the South Fork, Sangamon River. Originally this facility consisted of two 25 acre cells (the present settling basin is located within one of the former 25 acre cells).

7. The facilities now consist of several small lagoons, some of which have been closed, dewatered and covered. Others are still in use. Pursuant to the settlement in PCB 76-241, Petitioner has been building a series of lagoons each of about 0.75 acres in size. They are used as presettling ponds and, when filled with sludge, they are closed, dewatered and covered.

8. The Agency has inspected Petitioner's Taylorville facility on numerous occasions with regard to the stipulation and proposal for settlement approved by the Board Order of April 2, 1981, in PCB 76-241 as identified in paragraph 10 of the Agency's Recommendation in Georgia-Pacific v. IEPA, PCB 82-93.

9. On or about August 2 through 5, 1983, a fishkill occurred in the South Fork of the Sangamon River. The Department of Conservation's investigation determined that 4,459 fish were killed and that the value of the fish was determined to be \$3,194.84. Agency investigations determined that Georgia-Pacific flows had bypassed the treatment facility and had been discharged to the receiving stream causing the fishkill. Payment in full was received from Georgia-Pacific on November 8, 1983 and transmitted to the Department of Conservation on November 15, 1983.

Previous Enforcement Action

10. On April 2, 1981, the Board, in PCB 76-241, found Petitioner in violation of Rule 102 of Chapter 2, Rules 402, 410(a), and 901 of Chapter 3, and Sections 9(a), 12(a), 12(b), and 12(f) of the Act. The Board ordered Petitioner to comply with all the terms and conditions of the Stipulation and Proposal for Settlement (Settlement) filed December 30, 1980 as well as pay a fine of \$10,000.

11. Under the terms of the Settlement, Petitioner agreed to discontinue the use of the wastewater lagoon facility as soon as the wastewater from the paper mill is discharged to the Taylorville Sanitary District. The District was issued a federal grant on November 13, 1981, in the amount of \$2,542,575. This sum represents 75% of the eligible costs, certified by the Agency, for expansion and upgrading of the District's facility. The remaining local share of the project will be paid by Georgia-Pacific under the terms of an agreement with the District. The Agency endorsed award of the construction bid in July, 1982. Construction on this project has been substantially completed; however, a number of operational items have yet to be resolved before diversion of the Georgia-Pacific effluent to the District's facilities can begin. The current projection is that the diversion of flows will begin between January 15, 1984 and February 1, 1984. If, however, flows are not diverted by that time, closure completion dates should not be adversely impacted, since construction efforts are not likely to begin during the winter months in any case.

12. The Settlement required several steps to be taken until the tie-in to the Taylorville Sanitary District is achieved to reduce odors and improve effluent quality. Those requirements are set forth in Paragraph D of the Settlement. Petitioner sought and obtained a variance from items ii, iv and v of Paragraph D in Georgia-Pacific v. IEPA, PCB 82-93 (October 27, 1982). Under the 1982 Order, the Petitioner was to cover Basins B, C and E, by November 30, 1982. Basin D was to be closed and covered within one (1) year after it was no longer used. Cell 1 was

to be covered with dirt from several construction projects by December 30, 1983. Petitioner claims compliance with the conditions of the previous variance. The Agency does not dispute this claim in this proceeding.

13. The Settlement also requires steps to be taken to close out old lagoon two, once flow from the mill is diverted to the Taylorville Sanitary District. These steps are set forth in Paragraph E of the Settlement which provides as follows:

- 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.

Proposed Mode of Operation

14. The Petitioner proposes to change the mode of operation to divert all flows within the lagoons to lagoon #2. Supernatant from lagoon #2 would be discharged via the effluent structure and would be subject to the Board's Order in PCB 76-241. Effluent will be monitored by using the COD test. A correlation between BOD and COD does not currently exist; however, a study is currently underway to gather the information to establish this correlation.

15. After diversion to the Taylorville system has been completed, dewatering operations will begin. Dewatering pits around all the lagoon cells, including lagoon 2, will be pumped out and the effluent from these

pits will be distributed over grassy areas on the property. The details of the distribution system are not clear at this time. Expected flows from the dewatering process are thought to be low, on a per day basis, but it may take five or six months to dewater the sludge.

16. Once the sludge in lagoon 2 is dewatered, the sludge in it will be placed in lagoon E-3. The dikes that formed lagoon 2 will be removed and used as cover on lagoon E-3. Lagoon 2 would then be disced, fertilized and seeded.

Federal Law

17. Issuance of the variance in accordance with the conditions set forth in this recommendation will not be inconsistent with the requirements of federal law. Federal requirements to be met pursuant to Section 301(b)(2) of the Clean Water Act, 33 U.S.C. 1311(b)(2), do not become effective prior to July 1, 1984. Georgia-Pacific's mill discharge will cease before that date according to the proposed schedule. Federal requirements currently in effect under Section 301(b)(1)(A) of the Clean Water Act, 33 U.S.C. 1311(b)(1)(A), ("best practical control technology") are less stringent than effluent limitations in effect under the existing settlement.

Hardship

18. It is apparent to the undersigned, as it was at the time of the Agency's August 26, 1982 recommendation in PCB 82-93, that Petitioner's wastewater treatment facilities remain a source of odors and pollutional discharges which interfere with and disturb the citizens of Taylorville. There is, of course, only one practical solution to this problem:

eliminate Petitioner's existing wastewater lagoons. Immediate elimination of these lagoons would require the Petitioner to eliminate its wastewater and cease businesses. Such a result has obvious implications for the Petitioner and the community of Taylorville. The other alternative is to eliminate the lagoons after tie-in to the Taylorville Sanitary District, which should be concluded within the next couple of months. This is the approach incorporated in the Board's Order of April 2, 1981.

19. Georgia-Pacific proposes a method for closure of lagoon two which is somewhat from that identified in Paragraph E of the settlement. The Agency, however, agrees with Petitioner that the method of closure it proposes in this proceeding is more practical and substantially more cost-effective than the method set forth in the Settlement. Regardless of whether this variance is granted, the quality of the effluent should be unaffected. As such, the Agency believes that an unreasonable hardship would exist were the variance to be denied. Accordingly, the Agency recommends that the variance be granted subject to the following conditions:

A. This variance will expire on December 31, 1984 or upon completion of conditions D, E, and F, whichever comes first.

B. Georgia-Pacific shall cease discharging to its lagoon facilities once connection to Taylorville Sanitary District facilities is achieved and the District accepts full diversion of flows from Georgia-Pacific's paper mill.

C. Attachment A to the variance petition of November 30, 1983 be incorporated by reference for the purpose of identifying units of the facility.

D. By April 30, 1984, Petitioner shall complete the 7 items set forth under Phase I of November 30, 1983 petition.

E. By June 30, 1984, Petitioner shall complete the 7 items set forth under Phase II of its November 30, 1983 petition, as modified by its letter of December 19, 1983.

F. By December 31, 1984, Petitioner shall complete the 4 items set forth under Phase III of its November 30, 1983 petition.

G. By February 1, 1984, Petitioner shall submit to the Agency any permit applications needed to authorize any actions contained in this variance including, but not limited to, the relocation or removal of aerators and the construction of a temporary distribution system for flows from the dewatering system.

H. Petitioner shall establish a correlation between the discharge of chemical oxygen demand and five day biological oxygen demand such that discharges of BOD₅ from lagoon #2 are maintained within the effluent limitations incorporated in PCB 76-241.

I. Within 45 days, Petitioner submits a certification to be bound by the terms of the variance in a form as prescribed by the Board.

20. Except for Condition B, the need for the conditions set forth in Paragraph 19 should be apparent. Condition B is necessary because the Taylorville Sanitary District, after connection is made, may accept flows from the Georgia-Pacific mill on a step increase basis, instead of all-at-once.

21. The Agency reserves the right to amend its recommendation prior to the close of the record in this proceeding.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Gary P. King
Gary P. King

Date: January 5, 1984

GPK:ct/8873C,sp1-9

ILLINOIS POLLUTION CONTROL BOARD
April 2, 1981

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

GEORGIA-PACIFIC CORPORATION,
a Georgia Corporation,

Respondent.

PCB 76-241

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 23, 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.

ATTACHMENT A

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 BOD₅ 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 BOD₅ 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).

*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 BOD₅ 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.

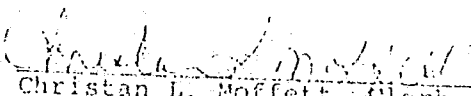
2. Within 60 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$10,000.00 which is to be sent to:

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, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 2nd day of April, 1981 by a vote of 6-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board

STATE OF ILLINOIS)
COUNTY OF CHRISTIAN)

RECEIVED
ENVIRONMENTAL PROTECTION AGENCY
1981 FEB 22

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Environmental Protection Agency

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

PCB 76-241

RECEIVED
ENVIRONMENTAL PROTECTION AGENCY
1981 FEB 22

NOTICE

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

Richard A. Horder, Environmental Protection Agency
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

ATTACHMENT

STATE OF ILLINOIS }
COUNTY OF CHRISTIAN }

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)

vs.)

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

BOD₅

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

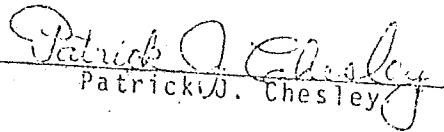
I hereby certify that I did, on the 2nd day of February, 1981, send by First Class Mail with postage thereon fully prepaid, by depositing, in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled NOTICE and MOTION TO CORRECT CLERICAL ERROR

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

Richard A. Horder
2310 Parklake 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 W. Washington Street
Chicago, IL 60606.


Patrick W. Chesley

2012



OFFICE OF THE ATTORNEY GENERAL
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD
62706

December 8, 1980

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

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

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,

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

PJC:kd

Enclosures

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.)

STIPULATION OF FACTS AND
PROPOSAL FOR SETTLEMENT

NOW COMES the ENVIRONMENTAL PROTECTION AGENCY, Com-
plainant, by its attorney, Tyrone C. Fahner, 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 mat-
ter 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 ₅	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:

		BOD ₅ 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
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 discharge 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 and 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:

BOD₅

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: [Signature] JDP

ENVIRONMENTAL PROTECTION AGENCY

DATED: November 5, 1980

BY: [Signature]

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
300 West Washington Street
Chicago, IL 60606


Patrick J. Chesley

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached
Recommendation upon the person to
whom it is directed, by placing a copy in an envelope addressed to:

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

Richard A. Horder
Associate General Counsel
Georgia-Pacific Corporation
Law Department
133 Peachtree Street, N.E.
P.O. Box 105605
Atlanta, GA 30348

and mailing it from Springfield, Illinois, on January 9,
19 84, with sufficient postage affixed, certified mail, return receipt
requested.

Kimbully A. Martin

SUBSCRIBED AND SWORN TO BEFORE ME

this 9th day of January, 1984.

Barbara K. McGee
Notary Public