

ILLINOIS POLLUTION CONTROL BOARD  
May 22, 1975

ALTON BOX BOARD COMPANY,                     )  
  )  
  Petitioner,                     )  
  )  
  )  
  v.                                 )     PCB 74-491  
  )  
  )  
ENVIRONMENTAL PROTECTION AGENCY,           )  
  )  
  Respondent.                    )

Mr. Carl K. Hoagland, Jr., Attorney of Record for Petitioner;  
Mr. Henry J. Hanzel, Jr., Attorney of Record for Respondent.

ORDER OF THE BOARD (by Mr. Dumelle):

Alton Box Board Company (Alton) filed a Motion for Modification of Order on April 30, 1975. On May 12, 1975 the Environmental Protection Agency (Agency) filed a Response to Motion for Modification of Order.

Alton seeks a modification to several paragraphs of the Order entered on March 26, 1975 in the above captioned matter. Alton seeks to have included within paragraph 1 of the previous Order a variance from Rules 404(a)(i) and 408(a) of the Water Pollution Regulations as they apply to total suspended solids. Alton states that the previously granted variance (PCB 74-5), which was extended in the present case, included a variance from Rules 404(a)(i) and 408(a). The Agency recommends that the Board not modify its present Order because Rule 404(b) is the applicable limitation in that Alton's untreated waste load is greater than 10,000 population equivalents. The Agency also states that the total suspended solids limitation of Rule 408 is applicable to sources other than those covered by Rule 404. The Board agrees with the Agency's contention that Rules 404(a)(i) and 408(a) are not applicable and therefore denies Alton's Motion to Modify paragraph 1 of the previous Order.

Alton requests that the Board delete paragraph 2 of the previous Order which sets forth maximum numerical limitations allowable under the variance from Rule 408(a). Alton objects because these numerical limitations were based on a single test result made during 1973. The Agency objects to the requested modification and states that the single test result was in response to paragraph 4 of the Board Order in PCB 73-140 which provided:

As further condition, Petitioner shall by September 30, 1973, submit to the Board and the Agency data that precisely and clearly shows current and anticipated concentrations of all contaminants cited in Part IV of the Water Pollution Regulations of Illinois for the mill influent liquid to and effluent liquid from wastewater treatment works.

Alton alleges that it has fully and timely complied with all of the Board arrangements and conditions set forth in PCB 73-140. In PCB 74-5, it sought an extension from the variance originally granted in PCB 73-140. Alton submitted a copy of the report required by paragraph 4 of the Board Order in PCB 73-140 as Exhibit 27 in PCB 74-5. The Agency submitted this report as Agency Exhibit 2 and Exhibit A to the Agency's Response to Alton's Motion to Modify in the present case. The numerical limitations incorporated within paragraph 2 of the Board's March 26, 1975 Order are based upon the data required by paragraph 4 of the Board Order in PCB 73-140. Nothing contained in Alton's Motion to Modify convinces the Board that the numerical limitations proposed by paragraph 2 should be modified. Therefore the Board denies Alton's Motion to Modify Paragraph 2. In the event that Alton cannot comply with the numerical limitations found in paragraph 2, Alton should undertake additional monitoring and submit the results to the Board as a variance from the above Order.

Alton also seeks a modification of the dates that reports are required to be filed under paragraphs 5, 6, and 12 of the Order. Alton states that although the Order was adopted on March 26, 1975 it was not received by Alton until April 8, 1975. A copy of the Board's Opinion and Order was sent to Alton by certified mail on April 1, 1975. The Agency has no objection to the requested extension of the date under paragraph 5, 6, and 12. The Board hereby modifies paragraph 5, 6, and 12 of the previous Order as follows:

(5) That Alton submit a report on or before May 27, 1975 detailing the steps which it has taken and intends to take to neutralize or treat the sludge remaining in the impoundment area.

(6) That Alton submit on or before June 6, 1975 a report setting forth an engineering program acceptable to the Agency for disposal of the sludge removed from the sludge lagoons or clarifier.

(12) That Alton submit to the Agency an acceptable abatement program from the water treatment facility to the ditch on the north side of the Alton mill property on or before May 22, 1975.


Alton additionally requests that the compliance schedule required by paragraph 3 and the requirement of paragraph 7 should be modified by a "standard force majeure provision". The Agency recommends that no modification is necessary because the Board is required by statute to take mitigating circumstances into effect whenever it enters an order. The Board agrees with the Agency and finds no reason to modify paragraph 3 or 7.

Alton further requests that the time for filing a statement with the Board accepting all terms and conditions of the variance pursuant to paragraph 11 of the Order be extended to 35 days from the date of the Board's ruling on this Motion. The Agency objects and states that Alton should be required to respond within 10 days from the date of the Board's ruling. The Board hereby modifies paragraph 11 of the Order to read as follows:

(11) That Alton file a statement with the Board and the Agency accepting all the terms and conditions of any variance extension on or before June 2, 1975.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 22<sup>ND</sup> day of May, 1975 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board