

OF THE STATE OF ILLINOIS



ALTON PACKAGING CORP.,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY,

Respondent.

PCB 85-143

NOTICE OF FILING

TO: Mr. Richard J. Carlson  
Director  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

PLEASE TAKE NOTICE that on Tuesday, October 1, 1985, we  
filed with the Clerk of the Illinois Pollution Control Board the  
Petitioner's Permit Appeal, a copy of which is attached hereto  
and herewith served upon you.

Respectfully submitted,

ALTON PACKAGING CORP.

By Daniel F. O'Connell  
One of its Attorneys

Richard J. Kissel  
Jeffrey C. Fort  
Daniel F. O'Connell  
Martin, Craig, Chester &  
Sonnenschein  
115 South LaSalle Street  
Chicago, Illinois 60603  
312-368-9700

Karl K. Hoagland, Jr.  
Hoagland, Maucker, Bernard  
& Almater  
401 Alton Street  
P.O. Box 130  
Alton, Illinois 62002  
618-465-7745

ALTON PACKAGING CORP.,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY,

Respondent.



PCB 85-145

PERMIT APPEAL

NOW COMES the Petitioner, Alton Packaging Corp. ("Alton"), by its attorneys, Richard J. Kissel, Jeffrey C. Fort and Daniel F. O'Connell of Martin, Craig, Chester & Sonnenschein, and petition this Board, pursuant to Section 40 of the Illinois Environmental Protection Act ("Act") and 35 Ill.Admin.Code Section 105.102, to grant Alton a hearing to contest the August 27, 1985 decision of the Illinois Environmental Protection Agency ("Agency") denying Alton's application for renewal of an operating permit for its Alton mill plant, Application No. 72120426. In support of its permit, Alton states as follows:

1. Alton is a fully integrated company in the pulp and paper industry engaged in the manufacture and sale of paperboard and paperboard packaging products with headquarters in Alton, Illinois, Madison County. As a part of its operation, Alton operates the Alton Mill. The Alton Mill is one of Alton's largest paperboard mills and is located within the city limits of

below Alton Lock and Dam No. 26. The Alton Mill employs about 350 people and produces approximately 600 tons of paperboard per day. The paperboard manufactured at the Alton Mill is converted into paperboard manufacturing products for corrugated shipping containers.

2. In the production of paperboard products at the Alton Mill, steam is required for heating and process use. In order to produce this steam, Alton owns and operates a number of boilers. As of this date, there are five boilers in operation, two of which are identified and briefly described below.

<u>Boiler #</u>	<u>Heat Input BTU/hrs.</u>	<u>Fuel Used</u>
6	171 MBTU	Coal
	173 MBTU	Gas
	178 MBTU	Oil
7	445 MBTU	Coal
	444 MBTU	Gas
	464 MBTU	Oil

Boilers 6 and 7, which are the subjects of this permit appeal, each vent their emissions through separate stacks. Each stack is 192 feet above grade.

Boilers 6 and 7 are pulverized, wet bottom boilers. Coal is pulverized in five pulverizers (three are used with Boiler 7 and two with Boiler 6) to a fine powder and blown into the boilers. Combustion of the coal occurs obviously producing heat. Ash is both emitted through the vented air as well as collected in the wet ash pit. The exhaust air from the boilers passes through mechanical collectors (multi-clones) and then through an electro-

The collection efficiency of the multi-cyclones and precipitator is in the range of 99%.

There is no control device to deal with the emission of SO<sub>2</sub>. When required, low sulfur coal was burned to comply with the applicable emission limits for SO<sub>2</sub>.

Boilers 6 and 7 are the principal boilers for the production of steam at the Alton Mill. They are operated as needed to provide steam at the plant. Assuming that Boilers 6 and 7 are fully operable, they can provide the steam needed for the Alton Mill as long as the production of paperboard does not exceed about 685 tons per day. If the production is in excess of that (which seldom occurs) or if Boilers 6 and 7 become inoperable for any reason, or to minimize boiler operation, Alton's other boilers, numbers 8 and 9, are used to produce steam. Another boiler, Alton's Boiler 5, has not been fired for years, but can be fired on an emergency basis.

3. During the year 1984, Alton burned coal, a vast majority of which came from the Freeman Coal Company. The testing of that coal revealed these parameters:

Moisture, %	12.7
Ash, %	9.6
BTU/lb	11,083
Sulfur, %	2.8

was burned, would be 4.87 lbs/mmBTU. Based on that number, the Alton coal fired boilers (6 and 7) would emit 3,000 lbs. of SO<sub>2</sub> per hour, operating at maximum rated capacity of 616 mmBTU per hour.

The particulate emissions from the boilers is 0.15 lbs/mmBTU. Based on that emission rate, the Alton coal fired boilers would emit 92.4 lbs. of particulate matter per hour operating at their maximum rated capacity.

4. On January 25, 1985, Alton applied for a permit to operate Boilers 6 and 7 at its Alton mill. Previously, Alton had been issued operating permits for these boilers.

5. In a letter dated August 27, 1985, the Agency denied Alton's permit application. A copy of the Agency's denial letter is incorporated herein and attached as Exhibit A.

6. The Agency gave two reasons for denying Alton's permit application. They are:

(a) "Based upon information submitted to the Agency, Boilers 6 and 7 presently emit sulfur dioxide at an average rate of 4.9 lbs. per million BTU, an amount in excess of the applicable emissions limit of 1.8 lb. per million BTU of 35 Ill.Admin.Code 214.141."

(b) "The Agency's ambient SO<sub>2</sub> monitor in Alton recorded a violation of the primary 24-hour SO<sub>2</sub> standard during 1984. Based upon a recent study performed by the Agency, Boilers 6 and 7 appear to have been the major contributor to this violation. Boilers 6 and 7 thus may cause violations of 35 Ill.Admin.Code 201.141 and 243.122(a)(2)."

the following reasons:

(a) The 1.8 lb./MMBTU standard of 35 Ill.Admin.Code 214.141 was originally enacted as Board Rule 204(f) in R80-22. This regulation was a new regulation for the purposes of 35 Ill. Admin.Code Section 104.102. Alton filed a Petition for Variance and a Petition for Site Specific Rule Change within twenty days of the enactment of Rule 204(f). Therefore, pursuant to Section 38 of the Act and 35 Ill.Admin.Code Section 104.102, the operation of Rule 204(f) was stayed pending the final disposition of Alton's Variance Petition. This Board on August 1, 1985 erroneously dismissed Alton's Petition for Variance and denied Alton's Motion to Reconsider and Vacate that dismissal on September 20, 1985, (a copy of the original dismissal order is attached and incorporated as Exhibit B, a copy of the order denying reconsideration is attached and incorporated as Exhibit C). However, the Board's dismissal order of August 1, 1985 was not final when the Agency issued the denial. Alton is also appealing the Board's decision and intends to seek a stay from the Board of the order's effect; and, even if this Board denies Alton a stay, Alton will seek and obtain a stay from the Appellate Court pursuant to Supreme Court Rule 335(j). Therefore, there has been no final "disposition" of Alton's Petition for Variance as that term is used in 35 Ill.Admin.Code Section 104.102 and the operation of the 1.8 lb./MMBTU standard contained in 35 Ill.Admin.Code Section 214.141, it is still stayed.

Agency's August 27, 1984 letter does not provide a proper basis for the Agency's denial of Alton's application because:

(i) Alton was not a significant contributor to any alleged exceedence of the primary 24-hour SO<sub>2</sub> standard in the City of Alton during 1984;

(ii) The alleged exceedence, if it occurred at all, was de minimis; and

(iii) The Agency study does not provide a sufficient basis for the Agency to have concluded that the alleged monitored exceedence was predictive of any potential future excursions.

WHEREFORE, the Petitioner, Alton Packaging Corporation, respectfully requests that this Board grant it a hearing to contest the Illinois Environmental Protection Agency's August 27, 1985 denial of Alton's application for an air permit for its Alton Mill; and that, upon such a hearing, the Board reverse the decision of the Agency and order the Agency to issue Alton a permit substantially identical to Alton's previous air permit for that facility.

Respectfully submitted,

ALTON PACKAGING CORP.

By Daniel F. O'Connell  
One of its Attorneys

Richard J. Kissel  
Jeffrey C. Fort  
Daniel F. O'Connell  
Martin, Craig, Chester &  
Sonnenschein  
115 South LaSalle Street  
Chicago, Illinois 60603  
312-368-9700

Karl K. Hoagland, Jr.  
Hoagland, Maucker, Bernard  
& Almeter  
401 Alton Street  
P.O. Box 130  
Alton, IL 62002  
618-465-7745

I, Ralph Salinas, first being duly sworn on oath, depose and state that I filed with the Clerk of the Illinois Pollution Control Board the foregoing Petitioner's Permit Appeal and also mailed a copy to the person to whom the Notice is addressed by placing a copy of said document in an envelope, first class mail, proper postage prepaid, and depositing said envelope in the U.S. Mail Chute located at 115 South LaSalle Street, Chicago, Illinois before the hour of 5:00 P.M. on Tuesday, October 1, 1985.

Ralph Salinas

Subscribed and sworn to  
before me this 1st day  
of October, 1985.

Daniel F. O'Connell  
Notary Public





217/782-2113

PERMIT DENIAL

CERTIFIED MAIL

August 27, 1985

Alton Packaging Corporation  
Attention: Edward M. Pyatt  
401 Alton Street  
Alton, Illinois 62002

Application No.: 72120426  
I.D. No.: 119010AAL  
Applicant's Designation: PLANT #10  
Received: January 25, 1983  
Operation of: Mill Division-Alton Mill  
Location: Cut Street, Alton, Illinois

This Agency has reviewed your Application for Operating Permit for the above referenced project. The permit application is DENIED because Section 9 of the Illinois Environmental Protection Act, and 35 Ill. Adm. Code 201.141, 214.141 and 243.122(a)(2) (formerly Rules 102, 204(f) and 308(a), respectively) might be violated.

The following are specific reasons why the Act and the Rules and Regulations may not be met:

1. Based upon information submitted to the Agency, Boilers 6 and 7 presently emit sulfur dioxide at the average rate of 4.9 lbs per million btu, an amount in excess of the applicable emission limit of 1.8 lbs per million btu of 35 Ill. Adm. Code 214.141.
2. The Agency's ambient SO<sub>2</sub> monitor in Alton recorded a violation of the primary 24 hour SO<sub>2</sub> standard during 1984. Based upon a recent study performed by the Agency, Boilers 6 and 7 appear to have been the major contributor to this violation. Boilers 6 and 7 thus may cause violations of 35 Ill. Adm. Code 201.141 and 243.122(a)(2).

The Agency will be pleased to re-evaluate your permit application on receipt of your written request and the necessary information and documentation to correct or clarify the deficiencies noted above. Two copies of this information must be submitted and should reference the application and I.D. numbers assigned above. The revised application will be considered filed on the date that the Agency receives your written request.

EXHIBIT A



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If you have any questions concerning this denial, please contact Pat Dennis at 217/782-2113.

A handwritten signature in black ink, appearing to read "Bharat Mathur".

Bharat Mathur, P.E.  
Manager, Permit Section  
Division of Air Pollution Control

BM:PDD:sd/2014e/19-20

cc: Region 3

ALTON PACKAGING CORPORATION, )

Petitioner, )

v. )

PCB 83-49

PCB 83-55

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Respondent. )

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

This matter comes before the Board upon a July 22, 1985, motion to dismiss filed on behalf of the Illinois Environmental Protection Agency (Agency). Alton Packaging Corporation filed a response on July 29, 1985.

These matters were filed on April 13, 1983, requesting a variance from the sulfur dioxide standards (PCB 83-49) and an alternative sulfur dioxide standard (PCB 83-55), thereby invoking a stay of the then-newly adopted sulfur dioxide standards applicable to Alton's facility pursuant to Section 38 of the Environmental Protection Act and 35 Ill. Adm. Code 104.102. The Agency argues that Alton should no longer have the benefit of such stay due to its dilatory actions in these matters. The Board agrees.

On June 29, 1984, the Board entered an Order which noted no activity in PCB 83-49 since August 18, 1983, and ordered that hearing be scheduled within 30 days and held within 60 days. Otherwise, the proceeding would be subject to dismissal. On July 30, 1984, Alton moved to modify that Order to allow hearing to be held on or before October 30, 1984. Hearing was finally held on December 7, 1984, at which time Alton indicated that it would file an amendment to its petition within 30 days. No such amendment has been filed. There has also been no further activity in PCB 83-55.

The Board concludes that Alton has had sufficient time to present its case and should not be allowed to further extend the automatic stay provision by the filing of an amended petition. Alton has all but admitted that variance could not be granted based upon its present petition which invoked the stay.

Proceedings in these matters are hereby dismissed.

IT IS SO ORDERED.

EXHIBIT B

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 1985

ALTON PACKAGING CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 83-49
	)	PCB 83-55
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

This matter comes before the Board upon a September 4, 1985 motion for reconsideration and to vacate dismissal filed on behalf of the Alton Packaging Corp. (Alton).\* The Illinois Environmental Protection Agency (Agency) responded in opposition on September 18, 1985.

On July 1, 1985 the Board adopted an Order dismissing this matter due to Alton's failure to proceed diligently toward final ruling. Alton contends that the Board's action was improper in that "Alton had, prior to the December 7, 1984 hearing in this matter, diligently prosecuted its petitions and had, subsequent to that time, a reasonable explanation, not known to the Board at the time of its Order, for the delay in filing its amended petition." (Motion, pp. 1-2).

The Board disagrees. Pursuant to Section 38(b) of the Illinois Environmental Protection Act, Alton stayed the effect of an otherwise applicable rule for well over two years on the basis of filing a variance petition which the Board could have ordered to hearing 5 days after the date of notice of hearing. Section 38(b) grants unusual relief which clearly contemplates an unusually expeditious proceeding. Yet, in its conclusion to its motion Alton speaks of the "relatively short delay" of nearly seven months in filing (or rather not filing) an amended petition after the December 7, 1984 hearing which the Board had earlier ordered to be held at least three months before that date based upon the apparent inactivity in the proceeding since the filing of the Illinois Environmental Protection Agency's recommendation more than ten months before that.

This proceeding has been anything but expeditious, and Alton should no longer be allowed to benefit from the unusual relief of Section 38(b). Therefore, the motion to reconsider and vacate is

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\* A corrected copy was submitted on September 13, 1985.

hereby denied. Alton is, of course, free to file a new petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20<sup>th</sup> day of September, 1985 by vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board