

ILLINOIS POLLUTION CONTROL BOARD
October 27, 1982

GEORGIA-PACIFIC CORPORATION,)
)
) Petitioner,)
)
) v.) PCB 82-93
)
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
)
) Respondent.)

BEVERLY V. GHOLSON, ATTORNEY AT LAW, APPEARED ON BEHALF OF PETITIONER;

GARY P. KING, ATTORNEY AT LAW, APPEARED ON BEHALF OF RESPONDENT.

OPINION OF THE BOARD (by D. Anderson):

This matter comes before the Board upon a petition for variance filed July 21, 1982, as amended on August 5, 1982, by Georgia-Pacific Corporation (G-P). The petition requested, for G-P's paper mill in Christian County, a variance from conditions of a compliance plan ordered by the Board in a previous enforcement action (PCB 76-241). On August 30, 1982 the Illinois Environmental Protection Agency (Agency) recommended that the variance be granted with conditions.

The Recommendation included objections and public comment received by the Agency but not transmitted to the Board within the time limitations of Section 37 of the Environmental Protection Act (Act). On September 15 the Board, after receiving a petition signed by numerous Taylorville residents, ordered a hearing on its own motion. The hearing was held on October 6, 1982 at Taylorville. No members of the public attended.

At the time the hearing was ordered, September 15, 1982, there remained only 42 days for decision. This was insufficient for the hearing officer to give three weeks notice to the parties and objectors as required by 35 Ill. Adm. Code 104.200, and still leave time for filing of the transcript and Board consideration. The Agency indicated that it had notified two objectors by telephone: Cynthia Adams, who had written a letter; and Edythe Bare, who had drafted the citizens petition. These objectors indicated to the Agency that they had no objection to the variance after the request was explained to them.

Petitioner owns and operates a paper mill located in Taylorville, Christian County. Petitioner's mill manufactures fine grade papers, including stationery, envelope stock, ledger paper and associated products from cellulose pulp received from other mills. The maximum capacity of the paper machine is around 90 tons/day. Fresh water is obtained from private wells on the property, with city water used in the plant boilers and as a backup service.

According to the Recommendation, wastewater is produced by four sources: (1) excess from the 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.

Wastewater from Petitioner's mill, averaging 0.77 MGD (Million Gallons per Day) for the period from June, 1981 through May, 1982 flows approximately 2 1/2 miles to its wastewater treatment facilities. Presently these facilities consist of 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).

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.

Under the terms of the Settlement in PCB 76-241, 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 G-P under the terms of an agreement with the District. The Agency endorsed award of the construction bid in July, 1982. Construction has been underway on this project for approximately three months. The Agency anticipates that construction will be completed in October, 1983. At that time, Petitioner will begin discharging to the District's facility.

The Settlement (PCB 76-241) 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 seeks a variance from items ii, iv and v of the Settlement. With regard to these items, the Settlement reads as follows:

- (ii) Part of the 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 Petitioner 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 Petitioner 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.

Petitioner proposes as conditions of variance from the Settlement that the following language be included:

- D. ii) Basins B, C and E₁ will be covered by November 30, 1982. Basin D will be used for presettling. After Basin D is no longer needed, it will be covered with dirt, fertilized and a vegetative growth established within one year, unless Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation.
- iv) Cell 1 will be covered with dirt as the dirt becomes available from several construction projects in the Taylorville area. Final cover and grade will be established by bulldozing the surrounding dikes no later than December 30, 1983, unless Respondent demonstrates that it would cause an arbitrary and unreasonable hardship to comply with this time limitation.

- 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, or any other vegetation approved by the Agency.


Petitioner claims compliance with all conditions of the Settlement, except those for which variance is sought. The Agency does not dispute this claim in this proceeding.

Attachment A to the Petition is a diagram of the existing lagoon system.

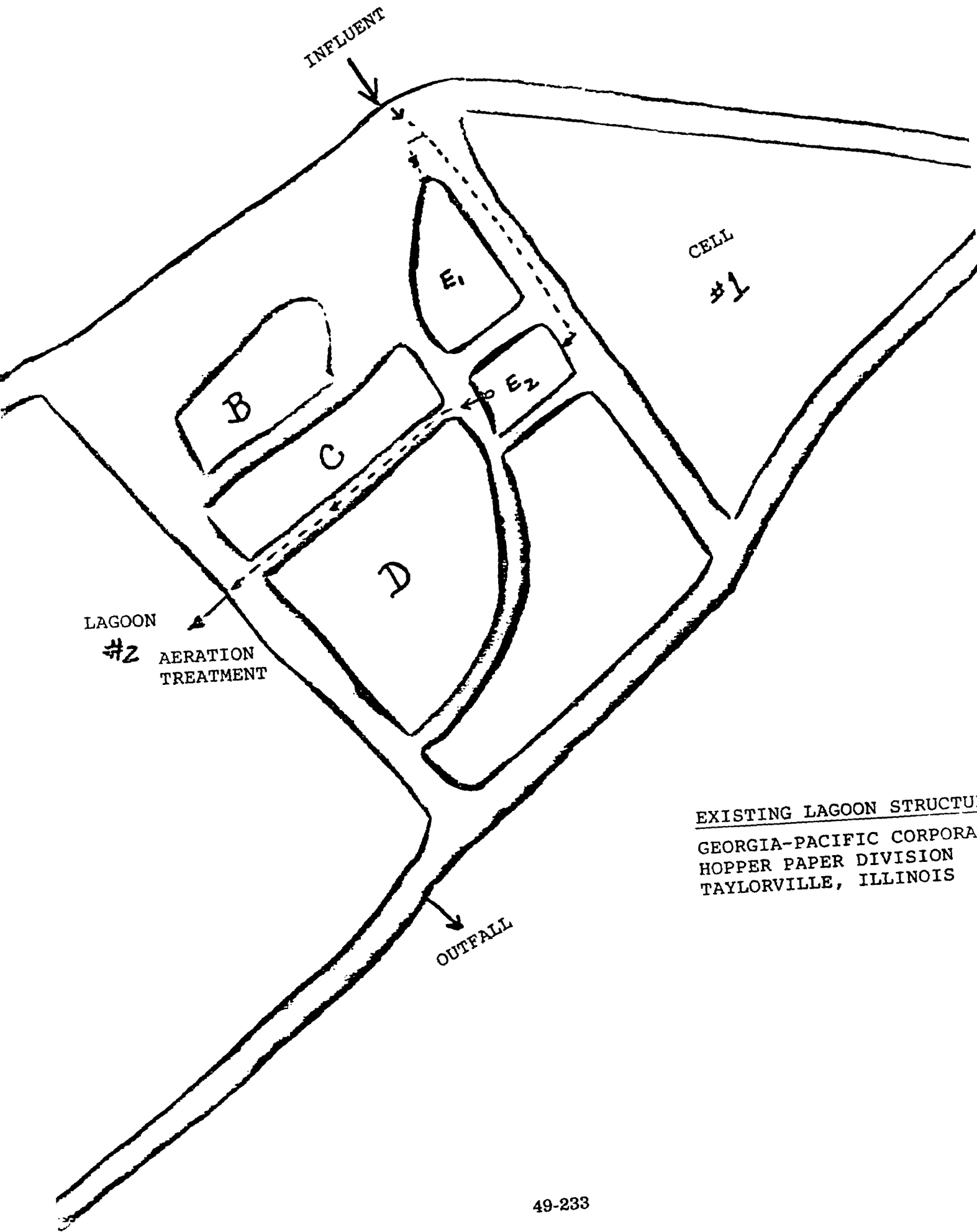
G-P contends, and the Agency agrees, that this modified compliance plan will produce no more odor or other environmental problems than the original plan in the settlement agreement. If the variance were not granted, G-P would be required to construct three additional presettlement basins: E3, E4 and E5. This would cost \$50,000 to \$100,000 more than utilizing Basin D. Considering the lack of environmental damage, the Board finds this to be arbitrary or unreasonable hardship. The Board will grant the variance with conditions similar to those recommended by the Agency and agreed to by G-P at the hearing.

This Opinion, supporting the Board's Order of October 27, 1982, constitutes the Board's findings of fact and conclusions of law in this matter.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion was adopted on the 27th day of October, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board



EXISTING LAGOON STRUCTURE
GEORGIA-PACIFIC CORPORATION
HOPPER PAPER DIVISION
TAYLORVILLE, ILLINOIS