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Lawsuit: P&G violated pollution permit State DNR cites 314 possible infractions

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The state Department of Natural Resources cited Procter & Gamble Co. for possible violations of the company's air-pollution permit in December.

The Notice of Violation released by the DNR on Monday in the wake of a threatened lawsuit by environmental groups cites 314 possible permit violations by the Green Bay papermaker in April, May and June of 2002.

"It's up to Procter & Gamble to tell us what the problem is and what they intend to do to fix it," said Melissa Scanlan, an attorney and executive director of Madison-based Midwest Environmental Advocates.

Scanlan's group filed a 60-day Notice of Intent to Sue with the DNR and the federal Environmental Protection Agency on Monday that alleges more than 900 permit violations.

The official notice, filed on behalf of the Green Bay-based Clean Water Action Council of Northeast Wisconsin, is a legal requirement of the Clean Air Act, the authority under which the state DNR issues operating permits to polluters.

According to DNR documents, the violations carry a maximum fine of \$25,000 per day of violation.

Randy Matty, air management engineer for the DNR's Northeast Region, declined to say whether the company would be fined for the violations pending a second conference with P&G officials on Wednesday.

"At that point, we'll be trying to make a determination of whether

they've returned to compliance in all aspects of their permit conditions, and what steps need to be taken in addition to that to return to compliance and assure compliance in the future," Matty said.

A first conference with the company took place in January, Matty said, adding that the company has since taken steps to fix operating and data-recording problems with machinery designed to cut dust emissions.

Rebecca Katers, who directs the Clean Water Action Council, pointed to state health records that show an overall asthma rate in Brown County of 7 percent.

"Though air pollution may not be causing their asthma, it may be making it more difficult for them to breath," Katers said.

P&G spokesman Bill Ward said the company experienced problems in 2002 related to more exacting data-collection requirements stipulated by a new pollution permit granted the company by the DNR in December 2001.

"We now gather over 20,000 observations per year on our equipment," said Ward, adding that the company had made strides at improving operating and reporting efficiencies in recent months.

"In the last six months we've had over 96 percent of all the data gathered without discrepancies," Ward said.

P&G has spent more than \$25 million on pollution control equipment for its two Green Bay mills in the last 20 years, and spends \$4 million annually to operate the equipment, Ward said.

Ward declined to comment on the alleged violations.

"We're continuing to work with the DNR to successfully implement this new reporting requirement," he said.

The 60-day notice filed by environmentalists allows the company time to correct problems before a lawsuit — an option Katers said

she prefers.

“But we would like to see penalties brought by the state,” Katers said. “For hundreds of violations to pass without a penny in penalty isn’t right.”