

ILLINOIS POLLUTION CONTROL BOARD
November 21, 1985

AMEROCK CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 84-62
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Marlin):

On October 28, 1985, Amerock moved for clarification of the Board's September 20, 1985 Opinion and Order which granted Amerock a variance from the hexavalent chromium, total chromium, copper cyanide, zinc and total suspended solids effluent standards of 35 Ill. Adm. Code 304.124 until September 1, 1986.

On page 4 of its September 20, 1985 Opinion, the Board agreed that to deny a one-year variance for study would impose hardship because control technology was not feasible until the contaminant sources were found. Unfortunately, Amerock's request for relief was ambiguous, leaving the Board to guess how much time would be needed for implementation of engineering recommendations. The Board wished to grant a term of variance which included a compliance deadline for implementing any engineering recommendations. Therefore, the Board granted variance for 15 months. Regarding another point raised by Amerock, the Board notes that the studies to identify the source of contaminants do not necessarily depend on the results of the biological monitoring studies. In other words, the studies should be conducted concurrently.

Based on the affidavit submitted by Amerock, the Board will grant the motion and allow additional time for the implementation of any engineering recommendations. In the event that Amerock requires more time to come into compliance, it may file for a variance extension. The September 20, 1985 Order is incorporated in toto herein and is modified as follows: the term of variance begins June 1, 1985 and expires on September 1, 1987 or when compliance is attained, whichever is sooner.

Regarding the studies and samplings in paragraphs 2-7 of the Board's September 20, 1985 Order, the results thereof shall be submitted in writing to the Agency by September 1, 1986 except for the results of sampling required to be attached to the monthly discharge monitoring reports as specified in paragraphs 4 and 5.

The results of the biological examination of Kent Creek bottom ordered in paragraph 6 shall be submitted every six months during the variance period to the Agency's Compliance Assurance Section, Water Pollution Control Division, 2200 Churchill Road, Springfield, Illinois 62706.

Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Compliance Assurance Unit, Water Pollution Control Division, 2200 Churchill Road, Springfield, IL 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period during which this matter is being appealed. The form of this certificate shall be as follows:

I, (We) _____
having read the September 20, 1985 Order of the Illinois Pollution Control Board as modified by the November 21, 1985 Order in PCB 84-62, understand and accept the said Orders, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

IT IS SO ORDERED.

Board Member J. D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 31st day of November, 1985 by a vote of 7-0.

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