

During the variance all excess flows will be diverted from the mining area. Discharges will flow through sedimentation ponds. Although these ponds do not reduce levels of total dissolved solids and sulfates, they at least allow for a controlled volume of discharge during dry weather and periods of light precipitation.

Petitioner is a member of the Mine Related Pollution Task Force which is attempting to resolve this problem through establishment of a "Code of Good Mining Practices". Petitioner is pledging to follow these practices.

The B field pit will be exhausted in 1982 and the Willisville west pit in 1983. After reclamation is complete, discharges from these operations will terminate.

Petitioner claims that this variance will have minimal environmental impact. The receiving streams are dry part of each year, are not used for water supply, irrigation, recreation or sport, and already exceed water quality standards. Petitioner also points to evidence that there is little or no correlation between maintaining a total dissolved solids limit (which includes sulfate) and maintaining aquatic biota in mine drainage receiving streams.

Petitioner feels that the Streamline Mine does not have enough active life remaining to justify installing the needed controls (reverse osmosis, ion exchange, electro dialysis, or distillation). Closing the mine would result in lost revenue of \$140 million and the inability to use equipment valued at \$50 million. In addition Petitioner quotes the above referenced economic impact study to show that the costs associated with maintaining the present water quality standard for total dissolved solids (1000 mg/l) greatly exceed the benefits.

The Agency has indicated that Petitioner's NPDES permits authorize three discharges and that Petitioner is presently reporting five. The Agency summarized recent data in Petitioner's discharges to show that Petitioner should be able to meet thirty day average standards of 3500 mg/l for total dissolved solids and 2000 mg/l for sulfate and daily maximum standards of 4000 mg/l for total dissolved solids and 2500 mg/l for sulfate. The Agency summarized water quality data downstream of Petitioner's discharge to show that the receiving stream exceeds the total dissolved solids and sulfate standards of Rule 203(F) of Chapter 3: Water Pollution.

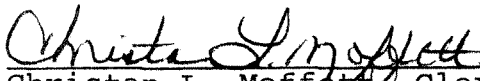
The Agency agrees that it would be neither technically feasible nor economically reasonable to require Petitioner to comply with these water quality standards at this time. The Agency recommends that a variance be granted subject to the conditions that Petitioner comply with the existing management requirements in its NPDES permits and with the "Code of Good

Mining Practices" once it has been developed. In addition the Agency feels that Petitioner should comply with the interim effluent limitations outlined in the preceding paragraph.

The Board does not intend to prejudge the merits of two pending regulatory proceedings (R76-7 and R77-10) which concern these same issues. At the same time the Board recognizes that Petitioner's mine is nearing the end of its useful life. By requiring compliance with the "Code of Good Mining Practices" and the management requirements in Petitioner's NPDES permits, the Board will be imposing the only reasonable conditions available at this time. The interim effluent limitations requested by the Agency also appear to be reasonable. The variance will be limited to three years or until the conclusion of R76-7 and R77-10 so that a consistent statewide approach to this problem can be maintained. Petitioner's discharges will probably not have any significant effect on the receiving streams. Denial of this variance would constitute arbitrary or unreasonable hardship on Petitioner.

This Opinion 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 the above Opinion was adopted on the 15th day of March, 1979 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board