

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1978

AMAX COAL COMPANY,)
)
 Petitioner,)
)
 vs.) PCB 78-99
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

A petition for variance by AMAX Coal Company was filed on April 6, 1978. AMAX is requesting a variance from the total suspended solids requirement of 15 mg/l of Rule 408(a) of Chapter 3: Water Pollution Regulations for its Sun Spot Mine coal preparation plant discharge in Fulton County, Illinois. Petitioner requests a variance until September 1, 1978. The Environmental Protection Agency (Agency) filed a recommendation on April 28, 1978.

The discharge from Petitioner's coal preparation plant is currently treated by facilities constructed and operated under the terms of Agency issued permits 1972-EA-1674-OP and 1976-ED-1382-ROP. Petitioner also has NPDES permit #IL 0036366. Petitioner believes that the major contribution to its total suspended solids problem is runoff of precipitation from areas ancillary to the plant. The Agency states that field staff observations tend to support this allegation.

To improve site drainage and settling Petitioner proposes to construct a collection ditch to collect runoff from the ancillary area and direct it into the ancillary settling sump. This sump will store the runoff from a ten-year, 24-hour storm if the sump is at normal water level when the storm occurs. In addition, a pit type pump will be installed to pump the ancillary sump water into the slurry pond, thus allowing considerable detention time for settling.

The existing overflow structure of the fresh water lake will be relocated and a diversion ditch will be constructed to convey the overflow from the fresh water lake around the ancillary settling sump to a series of flooded last cut pits. This will allow additional detention time for settling. The location of the NPDES discharge point will then be moved approximately 400 feet downstream from the outlet of the last flooded pit. Some minor work will be required on the existing culvert at the new discharge point location to remedy the

erosion and undercutting on the downstream side of the culvert.

It is anticipated these modifications to existing facilities will take approximately six months at a cost of approximately \$45,000.00. The Agency believes that these improvements should materially improve the quality of Petitioner's effluent with respect to suspended solids.

The U.S. Environmental Protection Agency has promulgated Best Practical Treatment (BPT) for the discharge from this facility. With respect to total suspended solids the discharge is limited to 35 mg/l as a 30 day average and 70 mg/l as a daily maximum. An excursion over the 70 mg/l daily maximum limit is allowed if that excursion is caused or influenced by a major precipitation event (a 10-year, 24-hour storm). Based on the information in Petitioner's NPDES Monitoring Reports, Petitioner's facility is apparently capable of meeting BPT during the period of the variance.

Petitioner's facility discharges to the south branch of Otter Creek, which is a tributary to Otter Creek and ultimately to the Illinois River. A biological survey of Otter Creek and its tributaries was initiated by the Agency in 1976. The survey showed that the South Branch and Otter Creek downstream of Petitioner's discharge was similar in biological makeup to similar watersheds not receiving wastewater discharges. Agency investigation has failed to demonstrate that Petitioner's discharge has a significant adverse environmental impact upon receiving waters. The Agency recommends granting the variance with conditions. The Agency further notes that Petitioner's NPDES permit must be modified to reflect any such variance.

Based upon the variance petition and the recommendation the Board finds that Petitioner has made a substantial effort to come into compliance. The Board finds that Petitioner would suffer arbitrary and unreasonable hardship if denied this variance. The variance will be granted until September 1, 1978. Pursuant to Rule 914 the Board shall require the modification to Petitioner's NPDES permit.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the order of the Pollution Control Board that AMAX Coal Company is granted a variance from the total suspended solids requirement of Rule 408 of Chapter 3: Water Pollution Regulations for its Sun Spot Mine coal preparation plant until September 1, 1978 subject to the following conditions:

1. Petitioner shall continue to meet Best Practicable Treatment limits established by USEPA for its discharge.

2. Petitioner shall be required to obtain all necessary construction permits from the Agency and to make the improvements described in its petition.
3. Within 45 days after the date of the Board herein the Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. This 45 day period shall be held in abeyance for any period during which this matter is appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-99 hereby accept said Order and agree to be bound by all terms and conditions thereof.

Title

Date

The Agency, pursuant to Rule 914 of Chapter 3, shall modify Petitioner's NPDES permit #IL 0036366 consistent with the conditions set forth in this order including such interim effluent limitations as may reasonably be achieved through the application of best practicable operation and maintainance practices in the existing facility.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22nd day of June, 1978 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board