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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

February 16, 2006

Land Reclamation Services)
)
)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

IEPA- 06-09
(Provisional Variance-Water)

Re: Emergency Provisional Variance To Allow The Pumping
Of Water From A Quarry Owned By Land Reclamation Services

Dear Mr. Rakov:

The Illinois Environmental Protection Agency (Agency) has completed review of the attached emergency provisional variance request submitted by Land Reclamation Services (LRS) on February 2, 2006, and the follow-up formal provisional variance submitted February 14, 2006. LRS has requested an emergency provisional variance to allow pumping of water from a quarry to Sugar Run Creek to prevent groundwater contamination, and electrical and safety hazards. Due to the emergency situation LRS received verbal notification from the Agency that the emergency provisional variance could begin February 3, 2006.

Background

LRS owns and operates a quarry located at 1127 South Chicago Street, Joliet, Illinois. Reclamation of this quarry consists of filling the quarry with clean fill materials. These materials can include concrete, brick, clean dirt and clay generated from general construction and demolition activities. The quarry is located at the outskirts of Joliet; the quarry's location and

the fact that it conducts operations in a deep, multi-acre area ensure that its operations have a minimal impact on the surrounding community.

Because the quarry is well below the water table, water flows into the quarry through rock strata that forms its walls. Water from Sugar Run Creek, which is immediately adjacent to the quarry, also seeps through the quarry walls, and precipitation necessarily collects in the quarry as well. The quarry contains a retention basin that normally holds water runoff, but recent conditions have caused the basin to overflow.

When LRS submitted its request for a provisional variance on February 2, 2006, levels of water had accumulated to more than forty feet deep in areas that were formerly dry. This accumulation of water had risen dangerously close to several 480 volt transformers and was close to inundating an uncapped well, which could have resulted in contamination of groundwater. In addition, trucks entering and leaving the quarry were being inundated to a point that their brakes were lost, and it was necessary to remove the mud from the trucks to prevent the mud from being deposited on public roads.

Based on these emergency conditions, the Agency gave LRS verbal notification on February 3, 2006, that it could begin pumping the accumulation of water from the quarry to Sugar Run Creek.

Relief Requested

LRS requested a provisional variance to be allowed to pump water out of the quarry on an emergency basis.

Agency Determinations

The Agency has reviewed the requested provisional variance and has concluded the following:

1. The environmental impact from the requested relief is predicted to be minimal;
2. No other reasonable alternative appears available;
3. No public water supplies will be affected;
4. No federal regulations will preclude the granting of this request; and
5. LRS will face an arbitrary and unreasonable hardship if the request is not granted.

The Agency hereby GRANTS LRS a provisional variance to allow them to pump water from their quarry located at 1127 South Chicago Street in Joliet, Illinois, to Sugar Run Creek subject to the following conditions:

- A. The provisional variance, which began on February 3, 2006, shall last for a period of 45 days, ending on March 20, 2006.
- B. The following limitations for discharges apply to this provisional variance:

Parameter	Concentration Limits		Sample Frequency	Sample Type
	30 Day Avg	Daily Max		
Flow			Daily	
Ph	Shall be in the range of 6 to 9 Units		1/daily	grab
Total Suspended	35mg/l	70mg/l	1/daily	grab
Offensive Conditions	No effluent can contain settleable solids, floating debris, visible oil , grease, scum or sludge solids, color or odor. Turbidity shall be below obviously visible levels.			

- C. LRS shall continue to investigate any alternatives to pumping the water from the quarry and shall report the findings of this investigation to the Agency within 30 days of the expiration date of this provisional variance.
- D. LRS shall notify Roger Callaway of the Agency by telephone at 217/782-9720 when the pumpage of water from the quarry ceases. Written confirmation of this notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency
 Bureau of Water – MC #19
 Attention: Roger Callaway
 1021 North Grand Avenue East
 Springfield, Illinois 62794-9276

- E. The City shall sign a Certificate of Acceptance of this provisional variance and forward that certificate to Roger Callaway at the address indicated above within one day of the date of this order. The certificate should take the following form:

I (We) _____, hereby accept and agree to be bound by all terms and conditions of the provisional variance granted by the Agency in _____ dated _____.

Petitioner

Authorized Agent

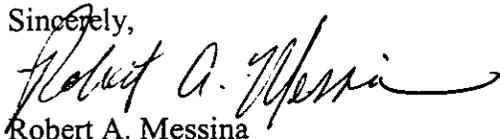
Title

Date

Conclusion

The Agency grants this provisional variance in accordance with its authority contained in Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act (415 ILCS 5/35(b), 36(c), and 37(b) (2004). The decision to grant this provisional variance is not intended to address compliance with any other applicable laws or regulations.

Sincerely,



Robert A. Messina
Chief Legal Counsel

cc: Marcia Willhite
Roger Callaway
Vera Herst