

ILLINOIS POLLUTION CONTROL BOARD
March 29, 1979

CORA DOCK CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 79-8
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a variance petition filed on January 16, 1979 by Cora Dock Corporation. Petitioner requests variance from effluent standards in the Chapter 3: Water Pollution Regulations, Rule 408(a), and asks that the effluent standards of Chapter 4: Mine Related Pollution be made applicable. The Environmental Protection Agency (Agency) filed a recommendation on February 21, 1979. Petitioner waived a hearing on this matter.

Petitioner proposes to construct and operate a terminal for transferring coal from rail cars to river barges for delivery to electric power generating stations located on the lower Mississippi River and Gulf Coast. The facility will be located in Jackson County at Mississippi River mile 98.5. The property adjoining the proposed site is presently both developed and undeveloped agricultural land. Coal will be unloaded from rail cars, stored and loaded onto barges without processing.

Anticipated start-up of the terminal is May, 1980. The life of the facility is expected to be twenty-five years. At capacity, the terminal will operate 365 days per year, three shifts per day. A total of forty persons will be employed at the facility.

As defined by Chapter 3 Petitioner's proposed facility constitutes a "wastewater source". Coal transfer facilities are not encompassed by the provisions of Chapter 4: Mine Related Pollution; as a result, Petitioner's facility normally would be subject to the effluent limitations of Rule 408(a) of Chapter 3. In R77-10, a proposed rule change to Chapter 4, provisions exist which would exempt Petitioner's proposed coal transfer facility from the effluent limitations of Chapter 3. The facility would be subject to the limitations of Chapter 4 under the proposal. R77-10 is currently pending before the Board. Petitioner alleges

that to meet Chapter 3 requirements would add construction costs of \$260,040 and would increase annual operating and maintenance costs by \$19,416. If the proposed Chapter 4 were applicable these additional costs would be unnecessary. Petitioner asserts that requiring Chapter 3 effluent standards to be met during the pending regulation changes would impose an arbitrary and unreasonable hardship. The Agency does not dispute these statements.

Petitioner's facility also comes under federal restrictions and would be classified as a "new source coal mine". Effluent limitations for Petitioner's facility are based upon application of the best available demonstrated control technology. Section 510 of the Federal Water Pollution Control Act (FWPCA) provides that a state may not enforce any effluent limitation which is less stringent than the limitation under the FWPCA. At this time Petitioner does not possess an NPDES permit for its proposed facility.

The Agency recommends the grant of the variance subject to certain conditions. The Board finds that Petitioner would suffer an arbitrary and unreasonable hardship if required to comply with Rule 408(a) of Chapter 3 during the pendency of the proposed revisions to Chapter 4. The quantities and qualities of effluent will have minimal impact on the Mississippi River. All rain falling on coal storage piles will be collected and treated prior to discharge. Water from the treatment pond will be pumped into the dust suppression/firewater system. During a year with normal rainfall, the expected water usage will balance the rainfall resulting in no or only minor discharges of effluent. In a dry year, no discharge is expected. Only in a wet year or a year with small throughputs will effluent be discharged. Dust suppression water will essentially remain in the coal and be shipped out with it or evaporated. The Board will grant Petitioner a variance from Rule 408(a) of Chapter 3 for three years or until final resolution of R77-10, whichever shall occur first, subject to the Agency's suggested conditions.

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 Cora Dock Corporation is granted a variance for its coal transfer facility from Rule 408(a) of Chapter 3: Water Pollution Regulations for three years or until final resolution of R77-10, whichever shall occur first, subject to the following conditions:

1. Petitioner shall be required to meet the following effluent limitations:

Effluent Characteristics

Effluent Limitations

Maximum for
Any 1 Day Average of Daily
 Values for 30
 Consecutive Days

Shall Not Exceed:

	Milligrams Per Liter	
TSS ^{1/}	50.0	35.0
Iron, total	6.0	3.0
Manganese, total	4.0	2.0
pH ^{2/}	Within the range of 6 to 9	
Acid	(Total acidity shall not exceed total alkalinity)	

1/ Applicable at all times except during a rainfall which is demonstrated to have caused violation of the standard; in which event 150 mg/l is applicable.

2/ Not subject to averaging.

2. Petitioner, within forty-five days of the Board Order herein, shall execute and forward to the Illinois Environmental Protection Agency, Mine Pollution Control Program, 2200 Churchill Road, Springfield, Illinois 62706, a Certification 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 appealed. The form of said Certification shall be as follows:


CERTIFICATION

I (We), _____, having read and fully understanding the Pollution Control Board in PCB 79-8, hereby accept said Order and agree to be bound by all terms and conditions thereof.

TITLE

DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 29th day of March, 1979 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board