

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1975

ALLIED CHEMICAL CORPORATION,)
 Petitioner,)
)
 v.) PCB 75-111
)
ENVIRONMENTAL PROTECTION AGENCY,)
 Respondent.)

INTERIM OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon Allied Chemical Corporation's (Allied) petition for an interim variance from Rules 404(f), 408(a), 203(a) and 203(f) for water quality standards and a variance from Rule 921 of Chapter 3 and Rule 201 of Chapter 4 of the Regulations for its mining and milling operations at 7 locations in Hardin and Pope counties.

The record sets forth adequate grounds for a hardship variance as provided in procedural Rule 401. Allied is one of two florspar producers in the area which together produce 80% of the domestic florspar in the United States. Allied's mining and milling operations represent a substantial or major part of the non-governmental and non-agricultural employment in the area.

However, Allied's petition does not contain a compliance plan although it has retained Procon, Incorporated, to perform an engineering study which will then be reviewed by Allied's engineers and go before Allied Board of Directors for approval. Petitioner believes that said plan will be available for its Board of Directors by July 1, 1975 and that a final compliance plan will be available by September 1, 1975.

In order to avoid a multiplicity of actions, the Board will not grant Petitioner a variance at this time. The Board requests that Petitioner provide the EPA with a copy of its tentative compliance plan on July 1, 1975. In addition, the Board requests that a final corporate approved compliance plan be submitted to the Board on or before September 1, 1975. If said compliance plan meets the approval of the Board, a retroactive variance may be granted to the Petitioner.

In consideration of the foregoing, it is the order of the Board that:

(a) Petitioner provide the Environmental Protection Agency with a tentative compliance plan on or before July 1, 1975; and

(b) Petitioner shall submit to the Board a final, corporate approved, compliance plan on or before September 1, 1975; and

(c) Failure to comply with paragraph (b) of this order will cause Allied's petition to be dismissed without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15th day of May, 1975 by a vote of 5-0



Christan L. Moffett, Clerk
Illinois Pollution Control Board