

ILLINOIS POLLUTION CONTROL BOARD
December 11, 1975

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

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 a 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 mining and milling operations for which variance is requested were acquired by Allied from the Minerva Oil Company in March, 1975. Allied and its predecessor at the subject locations is one of two fluorspar producers conducting operations in Hardin and Pope counties in Illinois. These locations produce, in the aggregate, 80% of the domestic production of fluorspar in the United States. Allied is a major domestic producer of fluorspar and zinc ore from its mining operations. The ore is processed at its mill locations to produce zinc, fluorspar, lead, and barite concentrates.

The mining operations in question are all conducted underground in the shaft mines, utilizing drilling, blasting, and hauling methods of recovery. The milling operations also utilize floatation and heavy media separation procedures, including grinding mills operating in closed circuit with wet classifiers. This finely ground ore slurry is then conditioned with chemical agents which promote the floatation of valuable minerals and the settling of waste minerals such as limestone and silica.

The Illinois Environmental Protection Agency (Agency) in its recommendation of April 10, 1975, notes that Hardin and Pope counties are economically depressed and that Allied is a principal employer in those counties and that interruption of Allied's mining operation would impose a significant hardship on both Allied and the surrounding community. A citizen complaint dated November 8, 1974, concerning the turbidity and toxicity of Rock Creek below the discharge from the pond of one of the subject mills was investigated

by the Agency. Although the citizen has not responded to attempts by the Agency to contact him, a biological survey conducted by the Agency in November, 1974, showed that the effluent had little adverse effect on the stream in that aquatic populations above and below the point of discharge were comparable. Agency investigations of the other installations resulted in the conclusion that little immediate environmental harm is being caused by their respective effluents.

The Board, in an Interim Opinion and Order dated May 15, 1975, ordered Allied to provide a final corporate-approved compliance plan to the Board by September 1, 1975. Subsequent Board orders extended that date until November 1, 1975. On November 20, 1975, Allied notified the Board of corporate approval and commitment of funds for the execution of the final proposed compliance plan which had been submitted August 15, 1975. The Board accepts this as performance of the May 15, 1975, Board Order as amended.

Allied's proposed schedule of compliance entitled "Design Report on Mining Wastewater Collection and Treatment Facilities" (Compliance Plan) was reviewed by the Agency in accordance with the Board Order of May 15, 1975, as amended. On September 23, 1975, the Agency filed a brief in support of design report indicating their approval of the Compliance Plan and finding the treatment facilities proposed by Allied as providing a cost effective and reasonably thorough means of treatment. The Agency, however, warns that the facilities planned represent the state of the art and the possibility exists that some effluent and water quality violations may occur. The Board agrees with the Agency's estimation of Allied's proposed Compliance Plan. Allied has, as of November 18, 1975, committed \$1,300,000 for the implementation, construction, and completion of the pollution abatement program as outlined in their Compliance Plan. The schedule of compliance as noted in the Compliance Plan on page 22 is as follows:

October 1, 1975 - January 30, 1976	Engineering Mobilization, Design Drawings & Specifications
February 1, 1976 - April 30, 1976	Purchasing of Equipment & Vendor Drawings
May 1, 1976 - July 30, 1976	Detailed Drawings & Construction Bid Documents
August 1, 1976 - September 30, 1976	Bidding Period & Evaluation
October 1, 1976 - June 30, 1977	Mobilization & Construction
July 1, 1977 - July 30, 1977	Start-Up

The foregoing compliance schedule is a part of the proposed compliance plan as provided by Procon, Inc., Des Plaines, Illinois for Allied, Procon Reference #W-2041, which is hereby incorporated by reference as though fully set forth herein.

With regard to the relief required by Allied, the Board finds the following variances to be appropriate:

1. Minerva Mine #1 discharging into Running Bear Branch of Rock Creek which is a tributary of the Saline River which is tributary of the Ohio River: Variance from Rule 203(f) of Chapter 3 for copper, mercury, silver, sulfate, and dissolved solids.
2. The Gaskins Mine, discharging into the Big Grand Pier Creek, which is tributary of the Ohio River: Variance from Rule 203(f) of Chapter 3 for mercury and sulfur.
3. The Spivey Mine discharging into Goose Creek which is tributary to Rock Creek which is tributary to the Ohio River: Variance from Rule 203(f) of Chapter 3 for mercury, silver, sulfate, and dissolved solids.
4. Minerva Mill No. 1, discharging into Rock Creek which is tributary to the Saline River, which is tributary to the Ohio River: Variance from Rule 203(f) of Chapter 3 for barium, copper, cyanide, fluoride, iron, silver, mercury, and zinc; variance from Rule 408(a) of Chapter 3 for barium, cyanide, iron, silver, suspended solids, BOD, and zinc; variance from Rule 203(a) 403 and 408(b) of Chapter 3 for dissolved solids; variance from Rule 953(a) of Chapter 3, operating permit.
5. The Crystal Mill, discharging into a 400-acre private lake known as the Big Sink: Variance from Rule 203(f) of Chapter 3 for fluoride and Rule 408(a) of Chapter 3 for suspended solids.

Allied appears to be in full compliance with Chapter 4 permit requirements, therefore a variance from Rule 201 of Chapter 4, as requested, is not needed and is not granted. Variance from Rule 962 of Chapter 3 (Previously Rule 921) is also unnecessary and not granted. In its Order of May 15, 1975, the Board stated "if said compliance plan meets the approval of the Board, a retroactive variance may be granted the Petitioner." The Board approves the compliance plan as tendered by Allied and grants variance as indicated above from March 10, 1975, until July 30, 1977.

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

ORDER

It is the Order of the Pollution Control Board that Allied Chemical Corporation be granted variance from Rules 203(a), 203(f), 403, 408(a), 408(b) and 953(a) of Chapter 3 of the Water Regulations for their facilities at Minerva Mine #1, Gaskins Mine, Spivey Mine, Minerva Mill #1, and the Crystal Mill, as previously stated herein from March 10, 1975, until July 30, 1977, subject to the following conditions:

(A) Allied shall adhere to the compliance schedule as indicated herein and on page 22 of the compliance plan.

(B) Allied shall report their progress toward final compliance to the Agency by means of quarterly reports starting on December 31, 1975.

(C) Allied shall at no time during the term of this variance exceed the current levels of contaminants being discharged.

(D) Within 30 days of the adoption of this Order, the Petitioner shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and agreement to be bound to all terms and conditions of this Order. 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 75-111 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

Signed _____

Title _____

Date _____

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11th day of December, 1975 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board