

ILLINOIS POLLUTION CONTROL BOARD
October 5, 2000

IN THE MATTER OF:)
)
PETITION OF AMEROCK CORPORATION,) R01-15
ROCKFORD FACILITY, FOR SITE-SPECIFIC) (Site Specific Rulemaking-Water)
RULEMAKING PETITION FOR AMENDMENT TO 35)
ILL. ADM. CODE 304.403)
)

ORDER OF THE BOARD (by N.J. Melas):

On September 14, 2000, petitioner Amerock Corporation filed a petition for site-specific rulemaking. Amerock currently has a site-specific rule at 35 Ill. Adm. Code 304.403 for its facility at 4000 Auburn Street in Rockford, Winnebago County, Illinois (facility). See In re Amerock Corporation, Rockford Facility (June 23, 1994), R87-33. Amerock's site specific rule allows it to discharge higher levels of chromium (total and hexavalent), copper, cyanide (total), zinc, and total suspended solids into North Kent Creek (Creek) than would otherwise be permissible pursuant to the rule of general applicability at 35 Ill. Adm. Code 304.124(a). Pet. at 2-3.

Amerock's petition requests that the Board remove the December 31, 2000 sunset provision from its site specific rule at 35 Ill. Adm. Code 304.303 and renumber the rule as 35 Ill. Adm. Code 304.233. Amerock also requests that the Board incorporate the record from docket R87-33 into this docket and waive the requirement that it file a petition signed by at least 200 persons as required at 35 Ill. Adm. Code 102.121. Pet at 2, 6.

DISCUSSION

Amerock's facility has a variety of manufacturing operations that convert raw materials such as steel, zinc, copper, and plastics into household products. The facility releases dust and metal-containing particulates into the air, which Amerock claims are in compliance with the Board's air pollution control requirements and applicable emission limitations. Some of the air emissions, primarily metal-containing particulates, settle on the roof of the facility and are washed into the roof drains. The roof drainage is discharged into the Creek. Pet. at 2-3.

The Board finds that the petition does not contain most of the information which the Board must consider in promulgating a rule as specified at Section 27(a) of the Environmental Protection Act (Act). 415 ILCS 5/27(a) (1998). The Board also finds that the petition does not contain an adequate statement of reasons as required at Section 28 of the Act. 415 ILCS 5/28 (1998). Furthermore, the Board finds that the petition does not satisfy all of the requirements at Sections 102.121 and Sections 102.141 of the Board's rules. 35 Ill. Adm. Code 102.121, 102.141.

Although compliance with the rule of general applicability is technically feasible, Amerock contends that compliance is economically unreasonable. A review of Amerock's petition from docket R87-33 indicates that it needs to update its cost analysis and provide an updated evaluation of compliance alternatives to reflect currently available control technologies and venting practices.

Amerock also has not provided any recent monitoring data or information on water quality, biological activity, or sediment analysis of the Creek to support its assertion that its discharges have minimal environmental impacts.

The Board inserted the sunset provision into R87-33 to allow for the evaluation of any new air toxic control requirements under the federal Clean Air Act (42 USC § 7401 *et seq.* (1998)) and the Act (415 ILCS 5/1 *et seq.* (1998)) on Amerock's air emissions. In re Amerock Corporation,

Rockford Facility (June 23, 1994), R87-33, slip op. at 7. Amerock contends that since no new air toxic control requirements have been adopted that would affect its operations, the Board's reasoning for the sunset provision is now "moot." Pet. at 5.

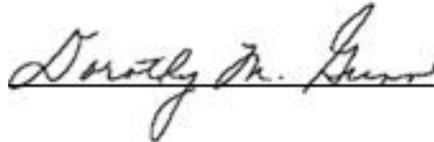
The Board notes that it inserted the sunset provision for another reason: The Board held that "[t]here is some dispute over the environmental impact of Amerock's stormwater discharges, and some questions remain unresolved." *In re Amerock Corporation, Rockford Facility* (June 23, 1994), R87-33, slip op. at 6. The reason that the Board inserted the sunset provision is not "moot" as Amerock claims. Had new air toxic control regulations been implemented, Amerock might have prevented the collection of metal-containing particulates on its roof and in its effluent. However, since air toxic control requirements still do not impact Amerock's venting practices, effluent and water quality concerns may still exist.

CONCLUSION

The Board will require Amerock to submit an amended petition by November 6, 2000, or the Board will dismiss the petition as inadequate. See 35 Ill. Adm. Code 102.142. Until the amended petition is filed, the Board will reserve ruling on Amerock's request to incorporate the record from docket R87-33 and the request to waive the petition signature requirement.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5th day of October 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board