

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1992

AMEROCK CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 87-131
)	(Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on Amerock Corporation's (Amerock) January 28, 1992 request for clarification. Amerock seeks clarification of the conditions contained in the variance granted by the Board on January 9, 1992.

Initially, Amerock advises the Board that it no longer anticipates implementing the sanitary sewer option if its requested site-specific rule (docket R87-33) is denied. Instead, Amerock would implement the collection and treatment option, the source abatement option, or a combination of those. The Board notes the change. Additionally, Amerock states that all eight of its outfalls are permitted under its March 1990 NPDES permit, so that the reference in Condition 3 to "three unpermitted outfalls" is incorrect. The Board will correct that condition.

The remainder of Amerock's request for clarification deals with interpretation of the conditions attached to the variance. First, Amerock notes that it cannot provide samples for the entire period of the variance, because of the simple passage of time. Therefore, Amerock states that it will begin the sampling and analysis required by the variance in 1992. Amerock's interpretation is correct. Second, Amerock interprets Condition 3 to require one sample from each outfall if a discharge has occurred. If no discharge has occurred, Amerock will so state in its Discharge Monitoring Report (DMR). Again, Amerock's interpretation is correct.

Amerock also requests clarification of several issues regarding Condition 4. First, Amerock interprets Condition 4 to require monthly grab samples and sediment samples from North Kent Creek regardless of whether discharges have occurred. That interpretation is correct. Condition 4, as imposed on January 9, 1992, requires grab samples of water and sediment upstream and downstream of each of Amerock's eight outfalls. Amerock asks that the condition be modified to allow for sampling in three places.

The Board will modify the condition, but will require samples from four places. This will ensure that samples are taken in the portions of the stream where impacts are most likely to occur. Additionally, Amerock interprets Condition 4 to require that each grab and sediment sample be analyzed for the parameters listed in Condition 2, except for total suspended solids (TSS). That interpretation is correct, insofar as Amerock need not analyze sediment samples for TSS. However, the water samples must be analyzed for TSS.

Finally, Amerock interprets Condition 5 as identical to Condition 6 in its prior variance (PCB 84-62), which was satisfied by the semi-annual biological surveys conducted by Huff and Huff, Inc. That interpretation is incorrect, because biological sampling only occurred at points upstream and downstream of the entire group of outfalls. Instead, the biological sampling shall be done at the four sampling points specified in Condition 4.

The Board will include a corrected order setting forth the modifications discussed above. This order supersedes the January 9, 1992 order.

ORDER

Amerock Corporation (Amerock) is hereby granted a variance from the following effluent standards located at 35 Ill. Adm. Code 304.124: hexavalent chromium, total chromium, copper, cyanide, zinc, and total suspended solids. This variance applies to Amerock's facility located at 4000 Auburn Street, Rockford, Illinois, and is subject to the following conditions:

1. This variance begins on December 21, 1987, and expires on the earlier of: December 21, 1992, or the date of final action on any grant of Amerock's requested site-specific rule, currently pending before the Board in R87-33.
2. During the period of the variance, Amerock's discharges shall not exceed the following limits:

<u>Constituent</u>	<u>Limitation (lbs/month)</u>
chromium (hexavalent)	1.0
chromium (total)	4.0
copper	20.0
cyanide (total)	3.0
zinc	60.0
total suspended solids	300.0

3. In addition to the sampling required by Amerock's NPDES permit, Amerock shall inspect each discharge location during and shortly after periods of rainfall. Amerock shall obtain one sample from each outfall per month. The

samples shall be analyzed for the parameters required by the NPDES permit. The results of these analyses shall be attached to Amerock's DMRs and submitted to the Agency. If no discharges occurred during the month, Amerock shall so indicate in its DMRs.

4. Amerock shall sample the water and sediment of North Kent Creek once each month at sites: (1) upstream of Outfall 000; (2) between Outfalls 001 and 003; (3) between Outfalls 004 and 007; and (4) downstream of Outfall 007. This sampling shall occur at a time when discharges are present. However, even if no discharges occur in a given month, Amerock shall take the monthly samples at the locations listed above. These samples shall undergo chemical analysis for the parameters listed in Condition 2, except that sediment samples need not be analyzed for total suspended solids. The results of the analyses shall be attached to Amerock's DMRs and submitted to the Agency.
5. Amerock shall continue to conduct a biological survey of North Kent Creek to monitor any impact of its discharges on the biological organisms in the stream. These surveys shall be conducted twice a year at similar sampling locations to those for chemical analysis listed in Condition 4. The results of these surveys shall be submitted to the Agency's Compliance Assurance Section, Water Pollution Control Division, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276.
6. Within forty-five days of the date of this order, Amerock shall execute and forward to:

Lisa Moreno
 Division of Legal Counsel
 Illinois Environmental Protection Agency
 P.O. Box 19276
 2200 Churchill Road
 Springfield, Illinois 62794-9276

a certificate of acceptance and agreement to be bound to all terms and conditions of the granted variance. The 45-day period shall be held in abeyance during any period that this matter is appealed. Failure to execute and forward the certificate within 45-days renders this variance void. The form of certificate is as follows.

Certificate of Acceptance

I (We), _____,
 hereby accept and agree to be bound by all terms and conditions of
 the Order of the Pollution Control Board in PCB 87-131, February 6,

1992.

Petitioner

Authorized Agent

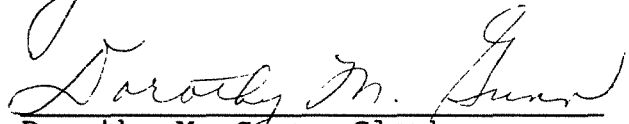
Title

Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1989 ch. 111 1/2 par. 1041) provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of February, 1992, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board