

ILLINOIS POLLUTION CONTROL BOARD  
June 12, 1980

ALLIED CHEMICAL CORPORATION and )  
INVERNESS MINING COMPANY, )  
 )  
Petitioners, )  
 )  
v. ) PCB 80-92  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

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

This matter comes before the Board upon a petition for order authorizing the transfer of variances filed April 28, 1980 by Allied Chemical Corporation (Allied) and Inverness Mining Company (Inverness). In an Order entered May 1, 1980 the Board deemed the pleading a request to transfer variances and new variance petition by Inverness Mining Company. The request to transfer was granted with the transferred variances to expire upon entry of a Final Order on the variance petition. On April 30, 1980 the Environmental Protection Agency (Agency) recommended that the variances be granted with conditions. The Agency has caused notice of the petition to be given pursuant to Section 37 of the Environmental Protection Act (Act). The Board has received from the International Association of Machinists District 111 and Local Lodge 1846 a comment urging grant of this variance. The hearing was waived and no other public comment has been received.

The Board has previously granted Allied two current variances for its fluorspar operations in Hardin and Pope Counties, the Spivey Mine and Minerva Mill. Involved are variances from Rules 203(f), 203.1, 402 and 408 of Chapter 3: Water Pollution as applied to ammonia nitrogen, copper, fluoride, sulfate and total dissolved solids. A complete description of these variances and the reasons for granting them are to be found in the Board's previous Opinions and Orders (PCB 77-203, 30 PCB 493, June 22, 1978; PCB 79-149, 36 PCB 121, November 15, 1979).

Allied shut down its mining and milling activities during September and October, 1979. At the time this petition was filed it was in the process of selling these operations to Inverness. The parties agree and the Board finds that Inverness would suffer substantially the same arbitrary and unreasonable hardship if variances similar to those granted Allied were not granted. The previous Opinions in PCB 77-203 and PCB 79-149 are incorporated by reference.

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

ORDER

Inverness Mining Company is granted the following variances:

1. At the Spivey Mine a variance from Rules 203(f), 402 and 408(a) of Chapter 3 until June 21, 1983 subject to the following conditions:
  - a. The variance from Rules 203(f) and 402 shall be limited to total dissolved solids (TDS), sulfate, copper and ammonia nitrogen.
  - b. The variance from Rule 408(a) shall be limited to TDS.
  - c. The effluent concentration of TDS, based on a twelve month running average, shall not exceed 2700 mg/l.
  - d. The sulfate concentration in Petitioner's effluent, based on a twelve month running average, shall not exceed 1500 mg/l.
  - e. The copper concentration in Petitioner's effluent, based upon a twelve month running average, shall not exceed 0.041 mg/l.
  - f. The ammonia nitrogen concentration, based upon a twelve month running average, shall not exceed 4.0 mg/l.
2. At the Minerva Mill No. 1 a variance from Rules 203(f), 203.1 and 402 of Chapter 3 shall be granted until June 21, 1983 subject to the following conditions:
  - a. The variance from 203(f), 203.1 and 402 shall be limited to TDS, sulfate, fluoride and ammonia nitrogen.
  - b. The fluoride concentration in the effluent wastewater, based upon a twelve month running average, shall be limited to 5.8 mg/l.
  - c. The TDS concentration, based upon a twelve month running average, shall not exceed 1800 mg/l.
  - d. The sulfate concentration, based upon a twelve month running average, shall not exceed 720 mg/l.

- e. The ammonia nitrogen concentration, based upon a twelve month running average, shall not exceed 4.0 mg/l.
- 3. Inverness shall submit quarterly reports to the Environmental Protection Agency describing its past efforts and future plans to achieve compliance.
- 4. The Environmental Protection Agency shall modify the NPDES permits consistent with this Order.
- 5. Within forty-five days of the date of this Order, Inverness Mining Company shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate 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 this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), \_\_\_\_\_, having read and fully understanding the Order in PCB 80-92, hereby accept that Order and agree to be bound by all of its terms and conditions.


SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 12<sup>th</sup> day of June, 1980 by a vote of 5-0.

  
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 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board