

ILLINOIS POLLUTION CONTROL BOARD  
November 15, 1979

ALLIED CHEMICAL CORPORATION,            )  
  )  
  )                    Petitioner,                    )  
  )                    )  
  )                    v.                                    )                    PCB 79-149  
  )                    )  
ENVIRONMENTAL PROTECTION AGENCY,    )  
  )                    )  
  )                    Respondent.                    )

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

This matter comes before the Board upon a variance petition filed by Allied Chemical Corporation on July 25, 1979 and amended on August 9, 1979. The Environmental Protection Agency (Agency) filed a recommendation on October 30, 1979. Petitioner requests a variance for its Spivey Mine and Minerva Mill in Hardin County, Illinois from Rules 203(f) and 402 of Chapter 3: Water Pollution (Chapter 3) as applied to ammonia nitrogen. The site in question has been the subject of two previous Board variances, PCB 75-111 and PCB 77-203. The requested variance for ammonia nitrogen would be a continuation of PCB 77-203. For more detailed facts than reported in this Opinion, reference should be made to Allied Chemical Corporation v. EPA, PCB 77-203; 30 PCB 493 (June 22, 1978).

At the two subject sites Petitioner has fluorspar mining and milling operations. The Board had previously given Petitioner one year variances concerning copper, cyanide and ammonia nitrogen, PCB 77-203. During the year Petitioner has achieved compliance for copper and cyanide. Petitioner has explored several possibilities with the ammonia nitrogen level and although the levels of ammonia nitrogen have been reduced, compliance has not been achieved.

During the past year Petitioner has explored the following possibilities:

- (a) Alternative ammonium nitrate dynamite combinations have been tested and found wanting;
- (b) Alternative ammonium nitrate products for improved packaging to reduce spillage and improve housekeeping methods;

- (c) Alternative ammonium nitrate products to reduce leaching from the hole and improve preignition handling.

According to the Agency recommendation at the Spivey Mine during the first nine months of 1979 the average effluent concentration of ammonia nitrogen was 3.3 mg/l. For the same period in 1978, the average ammonia nitrogen concentration was 5.3 mg/l. At Minerva Mill the average concentration of ammonia nitrogen in the effluent for January through September, 1979 was 3.0 mg/l whereas for the same period in 1978 it was 3.6 mg/l. The Agency recommends granting Petitioner a variance to encourage further reductions in ammonia nitrogen concentrations. Petitioner has requested the variance be granted with a 6.0 mg/l interim standard. The Agency notes that the twelve month running average from October, 1978 through September, 1979 was 3.7 mg/l for Spivey Mine and 3.1 mg/l at the Minerva Mill. The Agency recommends a 4.0 mg/l interim standard on a twelve month running average. The Agency also recommends quarterly progress reports.

The Board finds that Petitioner has been diligent in its pursuit of a solution to the excess ammonia nitrogen problem. Petitioner has made progress in reducing the concentration of its effluent. To deny Petitioner this variance would impose an arbitrary and unreasonable hardship. Granting a variance will allow Petitioner time to pursue a final solution. The Board will grant the requested variance subject to the Agency's recommended conditions. The 4.0 mg/l standard as a twelve month running average should be sufficient to allow Petitioner to continue research.

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

#### ORDER

It is the Order of the Pollution Control Board that Allied Chemical Corporation is granted a variance for its Spivey Mine and Minerva Mill in Hardin County, Illinois from Rules 203(f) and 402 of Chapter 3: Water Pollution as they apply to ammonia nitrogen until June 21, 1983, subject to the following conditions:

1. The concentration of ammonia nitrogen, based on a twelve month running average, shall not exceed 4.0 mg/l.

2. Petitioner shall submit quarterly reports to the Agency describing its past efforts and future plans to achieve compliance. Unless otherwise notified by the Agency, these reports should be addressed as follows: Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, Illinois 62706.
  
3. Within forty-five days of the date of this Order, Petitioner 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 79-149, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

4. The Agency, pursuant to Rule 914 of Chapter 3, shall modify Allied Chemical Corporation's NPDES permit consistent with the conditions set forth in this Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15<sup>th</sup> day of November 1979 by a vote of 4-0.

  
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 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board