

ILLINOIS POLLUTION CONTROL BOARD  
June 17, 1993

VULCAN MATERIALS COMPANY, )  
JOLIET QUARRY #340, )  
 )  
Petitioner, )  
 )  
v. ) PCB 93-113  
 ) (Provisional Variance)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by C. A. Manning):

This matter comes before the Board on receipt of an Agency Recommendation dated June 15, 1993. The recommendation refers to a request from the petitioner, Vulcan Materials Company, Joliet Quarry #340, for a provisional variance for its Will County facility from the total dissolved solids ("TDS") and sulfate ("SO<sub>4</sub>") requirements, as set forth in 35 Ill. Adm. Code 302.208(e) and 35 Ill. Adm. Code 304.141, for the period from when the petitioner begins discharging from Outfall #001, and continue until for 45 days or until the petitioner stops discharging, whichever occurs first. This recommendation follows a similar provisional variance granted the petitioner on May 5, 1993 in PCB 93-82.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. The Agency agrees that the repairs are necessary. The Agency anticipates that the requested provisional variance would have minimal environmental impact on the receiving stream. The Agency is unaware of any public water supplies that the requested provisional variance would adversely impact. The Agency maintains that a grant of a provisional variance would violate no federal laws. The Agency finds that a denial of the requested provisional variance would create an arbitrary or unreasonable hardship on the petitioner.

The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See 415 ILCS 5/35 (b) & (c) (1992) (Ill. Rev. Stat. 1991, ch. 111<sup>1</sup>/<sub>2</sub>, pars. 1035(b) & (c)). In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal Order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation finding that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 302.208(e) and 35 Ill. Adm. Code 304.141, on the following conditions:

1. The term of this provisional variance shall commence when the petitioner, Vulcan Materials Company, Joliet Quarry #340, initiates the discharging from Outfall #001 and continue until petitioner stops discharging, or after 45 days have elapsed, whichever comes first;
2. During the term of this provisional variance, as petitioner has proposed, daily monitoring of the stream flow shall be conducted to ensure that the dilution ratio will not be less than 5 to 1. Petitioner shall also conduct daily sampling and analyses of the pumped discharge, as well as the water quality upstream and downstream of the discharge point daily for the following parameters: pH, total suspended solids, total dissolved solids, total sulfate and arsenic;
3. The petitioner shall notify Basil Papadakis of the Agency's Maywood Regional office by telephone, at 708/531-5900, when discharging from the quarry begins and again when the discharging is completed and the petitioner shall confirm each notification in writing within five days, addressed as follows:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assurance Section  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Attention: Mark T. Books

4. The petitioner shall also ensure compliance with pH and total suspended solids as described in its NPDES permit (IL0002313); and
5. The Petitioner shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as is the written notice required in the above condition; the Petitioner shall forward that copy within 10 days of the date of this Order of the Board, and the Certificate of Acceptance shall take the following form:

CERTIFICATION

I (We), \_\_\_\_\_,  
hereby accept and agree to be bound by all terms  
and conditions of the Order of the Pollution  
Control Board in PCB 93-113, June 17, 1993.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted by the Board on the 17<sup>th</sup> day of June, 1993, by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board