

ILLINOIS POLLUTION CONTROL BOARD
December 5, 1985

WHITE COUNTY BOARD,)
)
 Petitioner,)
)
 v.) PCB 85-174
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a Petition for Variance from 35 Ill. Adm. Code 406.106 and 406.108 filed on behalf of White County Board on November 27, 1985.

The Board finds the petition for variance deficient in several areas. Specifically, White County should submit more information on whether the escape of mine refuse run-off is anticipated only prior to or also after the two-foot cover and vegetative growth has been achieved. If the mine refuse run-off is only anticipated during construction, then why is a five-year variance requested? Also, unlike site-specific relief, a grant of variance gives only temporary relief from compliance. If White County is requesting relief beyond the construction period, White County should clarify a) how it intends to come into later compliance, if necessary, with the effluent standards, b) whether sediment pond controls can be constructed at that time, and c) whether the cost figures given on page 8 of the petition would continue to be valid.

White County should also specify the costs of the hay or straw ditch checks, and what sampling and testing program is anticipated during the term of the variance pursuant to paragraph #19 of the petition. Lastly, White County should submit a copy of the pending Department of Mines & Minerals' permit.

Unless this additional information is filed within 45 days of this Order, this proceeding will be subject to dismissal.

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 December, 1985 by a vote of 7-0.

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