

ILLINOIS POLLUTION CONTROL BOARD
April 3, 1980

CITY OF MORRIS,)
)
 Petitioner,)
)
 v.) PCB 80-11
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a petition filed January 16, 1980 by the City of Morris (Morris) requesting a variance from Rule 305(c) of Chapter 7: Solid Waste Rules and Regulations which requires final cover on landfills. On February 13, 1980 the Environmental Protection Agency (Agency) filed a motion for extension of time to file recommendation which will be granted. On March 18, 1980 the Agency recommended that the variance be denied. Hearing was waived and the Board has received no public comment.

Morris operates a 53.6 acre landfill within its city limits which receives all of the garbage generated by the residents of Morris and the rest of Grundy County. Morris intends to close the site in the near future and move to a new site across Ashley Road. Rule 305(c) requires two feet of final cover within sixty days after placement of refuse in the final lift. Morris requests a one year delay in the final cover requirement.

Morris claims that applying the fill within sixty days would involve hauling fill under winter conditions. However, it has nearly six months of spring and summer in which to operate before fall. Morris claims that applying cover before moving the burial operation to the west side of Ashley Road would necessitate halting all landfill operations. It is not clear why this would be the case now but not in one year. Morris estimates that buying suitable cover material would cost about \$260,000 and that it has incurred significant operating losses at the landfill for the past several years. The Agency estimates the cost at between \$150,000 and \$200,000. It is unlikely that it will be any cheaper to cover the site one year hence. To the extent Morris has allowed the site to operate at a loss its financial hardship is self-imposed.

Morris has already applied about 3/4 foot of cover to the site. The Agency believes that this is inadequate to prevent environmental damage. Some refuse is now protruding through the cover material (Rec. 2). There are signs of vector feeding. If the present minimal cover erodes there will be increasing problems with odors, vector feeding, leachate production and the possibility of underground fires (Rec. 3).

The hardships alleged are the same as those faced by any landfill operation and do not amount to an arbitrary and unreasonable hardship. The variance is denied.

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

ORDER

1. The variance is denied.
2. The Environmental Protection Agency's motion for extension of time to file a recommendation is granted.

IT IS SO ORDERED.

Mr. Werner abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 3RD day of April, 1980 by a vote of 4-0 .



Christan L. Moffett, Clerk
Illinois Pollution Control Board