

ILLINOIS POLLUTION CONTROL BOARD
April 2, 1981

CITY OF DECATUR,)
)
 Petitioner,)
)
 v.) PCB 80-204
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a petition and amended petition for variance filed November 6, 1980 and January 19, 1981 by the City of Decatur (Decatur). The amended petition requests a variance from the final cover requirement of Rule 305(c) of Chapter 7: Solid Waste in connection with a disposal site for sludge produced by a public water supply treatment works. On February 17, 1981 the Illinois Environmental Protection Agency (Agency) recommended that the variance be granted with conditions. Decatur waived its right to a hearing and no public comment has been received.

Decatur operates a public water supply treatment plant known as the North Water Treatment Plant. This is situated within Decatur on County Highway 24 near Lake Decatur, which is the source of water for the city. It is formed by damming the Sangamon River south of Decatur.

Water treatment at the plant includes softening and coagulation. This produces a lime-alum sludge composed principally of calcium carbonate, magnesium hydroxide and aluminum hydroxide.

On July 31, 1978 the Agency issued Decatur an experimental solid waste disposal permit for the sludge, No. 1978-2-Ex (OP.). The permit authorized landfilling on a 20 acre site in the W 1/2 of the NE 1/4 of the SW 1/4 of Section 34, T 17 N, R 3 E of the 3rd P.M., Macon County. According to an affidavit attached to the amended petition the site is owned by one Norman Sarver, who also has responsibility for operation of the site under contract with Decatur. It is not clear if the site is proximate to the water treatment plant.

Rule 305 requires six inches of daily cover, twelve inches of intermediate cover and two feet of final cover, which is to be placed over the entire surface of the final lift not later

than sixty days following the placement of refuse in the final lift, unless a different schedule has been authorized in the operating permit. Rule 305 also provides that all of the cover requirements may be adjusted by permit.

The July 31, 1978 permit provided that "daily cover is waived in lieu of final cover unless it is demonstrated to the Agency that a potential for pollution exists."

Few details have been provided concerning the design or operation of the site. Berms were constructed to prevent contamination of Lake Decatur through runoff. An Agency inspection on November 14, 1980 disclosed a substantial break in the berm. The Agency has asked that Decatur be required to repair this.

The experimental permit expired July 31, 1980. Apparently sludge was dumped in the site during the term of the permit. There is no information concerning the physical properties of the sludge, the quantities involved or whether it was mixed or dried before final deposition. During August of 1980 Norman Sarver attempted to comply with the final cover requirement by means of trucks and earth-moving equipment, but was unable to do so "because the extremely unstable nature of said lime-alum sludge rendered Mr. Sarver's equipment inoperable."

Decatur states that the sludge has been uncovered for two years with no showing of pollution, or potential pollution, of Lake Decatur. The Agency believes the site would not pose a significant threat of pollution to the environment if the berm were properly maintained during the period of the requested variance.

Decatur believes that the freeze-thaw cycles during winter and spring aid in dewatering this sludge. Immediate covering could be accomplished only by hand using wheel barrows to transport the cover material. This would be far more expensive. Decatur believes that covering with equipment can easily be completed by July 31, 1981.

The Board finds that requiring immediate application of final cover would impose an arbitrary or unreasonable hardship upon Decatur. The variance will be granted with conditions similar to those recommended by the Agency.

The Board notes that since the cover requirements and the schedule for final cover may be adjusted by permit condition, it is within the power of the Agency to issue a permit which would have the same effect as this variance. However, in order to expedite the cleanup of the site and to assure issuance of any necessary permits, the Board will grant the requested variance.

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

ORDER

Petitioner, the City of Decatur, is granted a variance from Rule 305(c) of Chapter 7: Solid Waste, subject to the following conditions:

1. This variance will expire July 31, 1981.
2. This variance applies only to the site described in the Opinion, which site is in the W 1/2 of the NE 1/4 of the SW 1/4 of Section 34, T 17 N, R 3 E of the 3rd P.M., Macon County.
3. Within forty-five days of the date of this Order, Petitioner shall repair the berms at the site so they are in conformity with the conditions of Experimental Permit No. 1978-2-Ex (Op).
4. Petitioner shall, as a condition of this variance, maintain the berms at the site for a period of two years from the date of this Order; and, thereafter for so long as is required by law.
5. On or before July 31, 1981 Petitioner shall apply at least two feet of suitable final cover to the sludge on the site.
6. 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 80-204, 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 Order was adopted on the 16th day of April, 1981 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board