

ILLINOIS POLLUTION CONTROL BOARD
December 14, 1994

IN THE MATTER OF:)
)
LANDFILLS, WASTE TREATMENT) R94-34
AND TRANSFER FACILITIES) (Rulemaking)
LOCATED WITHIN 100-YEAR)
FLOODPLAINS)

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

On December 2, 1994, the Illinois Environmental Protection Agency (Agency) requested that the Board hold an inquiry hearing on whether "landfills and other waste treatment and transfer facilities should be located within a 100-year floodplain".¹ In support of its motion, the Agency recites that:

1. Currently in Illinois, hazardous and non-hazardous landfills, incinerators, surface impoundments, waste treatment plants, waste transfer stations and several other types of facilities can be located within 100-year floodplains.
2. Over 14% of Illinois' total land, or 7,400 square miles, is subject to flooding.
3. It is estimated that over 250,000 building are located in floodplains across the state.
4. Floods are by far the most common natural disaster in Illinois, accounting for well over 90% of declared disasters.
5. The current permitting process for landfills and similarly situated facilities requires that the facilities receive permits or sign-offs from the Corp of Engineers, the Illinois Department of Conservation, and the Illinois Department of Transportation, before receiving a permit from the Agency.
6. The Illinois Department of Transportation has found there to be a higher risk of damage to facilities and contamination to the environment when a facility is located in the floodway portion of the floodplain as opposed to the flood fringe.

¹ These facilities are currently regulated at 35 Ill. Adm. Code Subtitle G. See e.g. 35 Ill. Adm. Code 811.102 "Location Standards".

7. A floodway is the channel of a river or stream and the overbank areas which during a flood carries the bulk of flood waters downstream and where the water velocities and forces are the greatest and most destructive.
8. The Agency is concerned that the public health and the environment could be threatened during a 100-year flood from flooding of such facilities.²

The Agency requests that the Board hold a public hearing and solicit public comment concerning four specific issues. The issues identified by the Agency are:

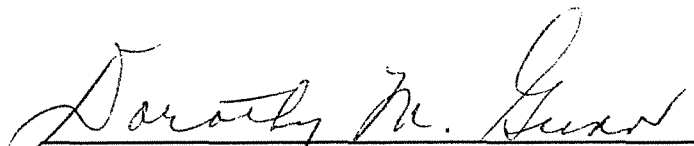
- A. What type of facilities need to be regulated or prohibited from location within the floodplain?
- B. Should the entire floodplain be regulated or just the floodway?
- C. Should just the 100-year floodplain be regulated or also the 500-year floodplain?
- D. If the Board decides that facilities should be regulated or prohibited from location within the floodplain, then should the new regulation affect currently permitted facilities or just new facilities and expansions?

In response to the Agency's motion, the Board today opens this docket, and will assign a hearing officer to this matter. While the Board will hold at least one hearing as requested, the Board leaves to its hearing officer the establishment of a list of issues to be addressed in written comments and a schedule for submission of written comments in advance of hearing. The Board further leaves to its hearing officer the scheduling of pre-hearing conferences and hearings as necessary.

IT IS SO ORDERED.

² The affidavit of Assistant Counsel Melanie A. Jarvis which accompanied the motion states that Assertion 1 of the Agency's motion is found in 35 Ill. Adm. Code 700 et. seq. and that Assertions 2 through 7 are taken from Floodplain Management: Local Floodplain Administrator's Manual, March 1993, Illinois Department of Transportation Division of Water Resources.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 14th day of December, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board