

ILLINOIS POLLUTION CONTROL BOARD  
January 26, 1984

TOWN OF OTTAWA, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 83-135  
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 LASALLE COUNTY BOARD )  
 and STATES LAND )  
 IMPROVEMENT CORPORATION, )  
 )  
 Respondents. )

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VILLAGE OF NAPLATE, )  
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 v. ) PCB 83-136  
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 LASALLE COUNTY BOARD )  
 and STATES LAND )  
 IMPORVEMENT CORPORATION )  
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 Respondents. )

DISSENTING OPINION (by J. D. Dumelle):

A landfill siting appeal decision is a weighty one. On that decision can rest the safety of an aquifer supplying water to residents of the area.

I agree with the Board majority in most aspects of the instant case. The proceedings were fundamentally fair. Conditions M and N were properly deleted by the County and are not needed for the safety of the site.

My dissent is based upon the great probability that buried railroad ties and trees exist upon the site. These wood materials will decompose and create conduits for leachate travel to the aquifer.

The original owner of the site, John Dubach, testified that when he acquired the site "all the wood was there" (R. 1458). He

refers to the 4" x 12" planks 16 ft. long butted tightly together and the 4" x 4" ties 6 ft. long placed 1½ ft. apart. Total length of railroad bed existing was from 1,800 to 2,000 feet. (R. 1460). Thus, using the lower figure of 1,800 feet of bed some 1,800 planks each one foot wide remained and some 1,200 ties spaced 1½ feet apart were on the site.

The ties and planks were buried by Mr. Dubach as the shale was moved sideways to get at the coal and fire clay which lay below. (R. 1521-2). The trees existing on the site were buried by National Fireproofing Co. when they owned the site before Mr. Dubach. (R. 1535).

A later owner of the site, John Bernardoni, was evasive when asked about the railroad timbers. (R. 1667-8). The crane operator, Herbert Carr stated that he had not buried either planks or ties. (R. 1674).

The testimony on this important point is contradictory. Whom does one believe?

Dr. Eric Zimmerman, an environmental engineer, testified that timbers could act as a conduit for liquids. (R. 1144-5). Some of the borings showed "traces of wood" according to Dr. Zimmerman. (R. 1245-6). (See also R. 1259 which speaks of "one boring.")

The salient question is "Do ties and/or planks exist on the site?" Dr. Zimmerman saw "several". (R. 1260). John Dubach, the first site owner, testified to burying the timbers. (R. 1521-2). And John Bernardoni, a later owner, states that there were "very few" railroad ties "scattered around." (R. 1668). Three persons each under oath, have thus verified that ties or planks were on the site.

When dealing with human health the prudent person must pursue a safe route. My judgment is that there is a great probability of ties and planks and possibly trees being buried on the site.

The county conditions require only five feet of recompacting on spoil piles lying above the aquifer. That would give only half the protection the 10 ft. deep liner is supposed to bring.

Because of the great probability that the buried timbers will cause pollution of the aquifer, I respectfully dissent.

  
 Jacob D. Dumelle, P.E.  
 Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 30<sup>th</sup> day of January, 1984.

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