

ILLINOIS POLLUTION CONTROL BOARD
August 26, 1982

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 81-98
)
WASTELAND, INC., an Illinois)
Corporation, VERNON LAMOREAUX,)
DENNIS LAMOREAUX, ROGER PEMBLE,)
and WASTE RESOURCES CORPORATION,)
an Illinois Corporation,)
Respondents.)

CONCURRING OPINION (by I. G. Goodman):

Although I concur generally with the findings and decision of the Opinion and Order entered herein today, I believe that the type of situation before the Board in this case might well have engendered much heavier penalties, particularly with respect to a landowner.

Due to the tremendous increase in the types and amounts of man-made materials (particularly those best described as chemicals) in recent times, we find that we can no longer deposit our wastes in any convenient hole in the ground expecting Mother Nature to render it innocuous in a relatively short period of time. Although technology has created a tremendous variety of extremely useful materials, it has at the same time created a like amount of fearfully dangerous waste products. We are just now beginning to appreciate the problems inherent in disposal of these waste products and have not yet managed to bring the full force of our technological expertise to bear on the problem. We are thus forced to continue the use of obsolete and, in some cases, ineffective methods of disposal which were never intended to address the problems involved with some of today's wastes.

Certainly the hole in the ground of yesteryear has become more sophisticated in order to contain these wastes in a more reliable manner, but in the process such disposal has become extremely complicated and expensive. We have thus been forced to separate wastes into a number of categories, each with its own restrictions and safeguards. These categories range from non-putrescible, non-combustible solids such as bricks, concrete, glass, ceramics, etc. to highly sophisticated liquid waste with known characteristics of an extremely hazardous nature and perhaps unknown characteristics beyond our present understanding.


We have on the one hand, therefore, what might be considered a pile of rocks and on the other hand what might better have not seen the light of day. Since it is obviously stupid to put a pile of stones and rocks in a very expensive, highly sophisticated landfill designed for hazardous materials, we have one type of landfill for the rocks and another type for the hazardous material. Therein lies the problem.

Since a pile of rocks is not likely to cause any significant environmental hazard, such landfills are designed with ease of access and low costs as the primary criteria. As the material to be landfilled becomes more and more hazardous, the design criteria of the landfill, including its location, becomes more and more sophisticated with regard to long-term containment and security with access and cost being of less and less importance. This is an eminently practical way of addressing the problem until we develop the technology to destroy hazardous wastes. The problem, of course, is to make sure that only rocks are placed in landfills designed to hold only rocks.


A very elaborate regulatory system has been devised, both at the federal and state levels, to insure the adequacy of a particular landfill for the material which it is intended to receive. This system includes cradle to grave tracking of hazardous materials and a permitting system for landfill sites which specifies not only how a landfill is to be designed, but what may be accepted by any particular landfill. The system, although complicated, does allow for the efficiency of not having to design every landfill to hold hazardous wastes. Inherent in this scheme, however, is the need to be absolutely sure that only materials for which a landfill is designed to accept are placed in the landfill. It is to fulfill this need that the Illinois Environmental Protection Agency inspects landfills as frequently as possible and which, on occasion, precipitates such an action as is before the Board today. It is extremely important that landfill operators restrict their operations to those permitted in their operating permit. There is great financial incentive for operators to accept non-permitted materials or to look the other way when such materials are presented for disposal. The only way the State has to counter this temptation to landfill operators and landowners is to make the penalties incurred by such transgressions so onerous as to be not only unprofitable, but indeed unthinkable. Thus, landfill operators and owners must be put on notice that the State intends to enforce its landfill regulations vigorously.

Hopefully technology will soon catch up with the problem and we will be able to dispose of the hazardous wastes without need to depend upon underground burial. Until such time, we must exercise constant vigilance regarding the sites where such materials are buried. The potential for long-term, wide-spread damage to

the environment from these materials is enormous. We cannot afford to wait for this environmental damage to evidence itself, for by then, it will be too late.


Irvin G. Goodman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 27th day of August, 1982.


Christan L. Moffett, Clerk
Illinois Pollution Control Board