

ILLINOIS POLLUTION CONTROL BOARD
February 3, 1977

JACK THOMPSON, d/b/a)
WARREN DISPOSAL SERVICES,)
)
Petitioner,)
)
v.) PCB 76-249
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

A Petition for variance from certain solid waste regulations was filed on October 4, 1976. The Board entered an Order on October 14, 1976 requiring additional information. An Amended Petition was filed on November 12, 1976. The Agency recommendation was filed on February 1, 1977 and requests a denial. No public hearing was held.

The facility is a 19-acre site in Jo Daviess County. Variance is requested for three acres in the northwest portion of this site. Relief is requested from Rules 313 and 317 of Chapter 7, Solid Waste Rules and Regulations.

The Petitioner states that about 200 compacted cubic yards of refuse are disposed of each week. The origin of this material is 75% residential and 25% from other sources. The site, according to the Petition, is the only source of solid waste disposal for the communities of Warren, Apple River, Scales Mound, Nora, and Waddams Grove. Apple Canyon State Park also uses the landfill.

The Petitioner requests an 8 month period to obtain a new site and an additional 4 months to develop the new site and close the old landfill. The operative dates requested are respectively, March 1, 1977 and June 30, 1977.

The hardship asserted by the Petitioner is principally the "serious financial burden" upon the communities now using the landfill should they have to use an alternate waste disposal method.

The Agency's recommendation was filed some 48 days late. It points out that the proper rules and statute from which variance is needed are Rule 202(b) of Chapter 7 and Section 21(e) of the Environmental Protection Act.

The quantity of refuse accepted at the landfill is stated by the Agency to be 100 cubic yards per day and not 200 compacted cubic yards per week. No operating permit has ever been obtained for the subject landfill. Soil borings indicate that only one acre in the entire 19-acre tract is usable as a landfill.

The Agency further states that the Petitioner's operation has been of a poor quality. Inadequate daily cover has been a frequent defect in the past operation. And because the site has poor geologic conditions under it, the placing of adequate daily cover is extremely important to prevent environmental pollution.

Five alternate sites are listed by the Agency at which the communities cited above could use. These landfills are 12, 23 and 24 miles away (in Illinois) and 14 and 23 miles away (in Wisconsin). No details were given in the Petition as to any hardship upon the Petitioner himself.

The Board finds that the Petition is inadequate as to any arbitrary or unreasonable hardship occurring to the Petitioner were it to be denied. The six governmental units using the landfill have alternate sites which can be used. Finally, the Petitioner has not shown himself to be willing to operate in the past according to the Solid Waste Rules and Regulations.

The Petition for variance is denied.

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

ORDER

Petition for Variance from the Solid Waste Rules and Regulations to allow the continued operation of the subject landfill in Jo Daviess County is denied.

IT IS SO ORDERED.

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 February, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board