ILLINOIS POLLUTION CONTROL BOARD

August 30, 1973

ENGELHARDT, INC.)
Petitioner,)
Vs.) PCB 73-272
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

Alfred Lewis, Attorney for Petitioner Fredric Entin, Assistant Attorney General for the EPA

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Engelhardt operates a 13 acre solid waste disposal site near the Waukegan Airport in Lake County, Illinois. On July 3, 1973, Engelhardt filed a document with us which all parties agree should be construed as a variance petition. The petition is for variance from Rule 912(b) of the Water Pollution Regulations and Orders 6(c) and 6(d) of League of Women Voters vs. North Shore Sanitary District, PCB 71-343, for the purpose of allowing a sewer connection and the draining of Petitioner's landfill.

The landfill now contains some 4 to 5 million gallons of leachate--the collection of rainwater on the site prior to final cover and grading. An enforcement case has been brought against Engelhardt (PCB 73-181) but we do not decide here whether the landfill has been operated in conformity with legal requirements. Engelhardt has not requested that type of variance which will shield the Company from prosecution for past conduct and no such shield is given. The variance is requested to authorize immediate action to eliminate a health hazard.

The uncovered debris includes hypodermic needles, syringes, bottles of drugs and similar refuse. Children have been observed on the landfill site although a fence does surround the entire area. The large quantity of leachate prevents the covering of this hazardous material. The leachate must be removed as rapidly as possible to allow the application of final cover. Both the City of Waukegan and the North Shore Sanitary District filed documents stating their approval of this project. The Agency recommends

grant of the variance subject to certain conditions intended to ease the impact of this additional load on the Waukegan sewage treatment system.

We grant the variance and urge all parties to expedite the draining of the landfill and the application of final cover consistent with the conditions imposed in the Order. A health hazard of this type must be eliminated as soon as possible.

ORDER

It is the order of the Board that:

Engelhardt Inc. is granted a variance from Rule 912(b) of the Illinois Water Pollution Regulations and Orders 6(c) and 6(d) of League of Women Voters vs. North Shore Sanitary District, PCB 71-343, for the purpose of allowing a sewer extension from the Engelhardt landfill to connect with the Waukegan Sanitary sewer system and for the discharge of leachate into that sewer system. This variance shall expire one year from the date of this order or at such earlier date as Petitioner completes the draining of the landfill and has applied final cover. The variance is conditioned upon adherence to the following:

- A. Leachate shall be discharged only during the period from 10:00 p.m. to 6:00 a.m.
- B. No leachate shall be discharged during or within 24 hours after rainfall or periods of heavy ice or snow melt.
- C. Leachate shall be discharged only during those periods when the Waukegan sewage treatment plant can adequately accept and treat all effluent.

Christan Mosfett

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 3673 day of ______, 1973 by a vote of 3 ______.