

ILLINOIS POLLUTION CONTROL BOARD

March 15, 1973

CARLING BREWING COMPANY,)
)
 Petitioner,)
)
 vs.) PCB 72-408
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

August J. Griesedieck, Attorney for Carling Brewing Company
Thomas J. Immel, Assistant Attorney General for the EPA

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

Petitioner Carling Brewing Company requests a variance from Section 21(b) of the Environmental Protection Act and from Rules 5.07 and 5.07(a) of the Rules and Regulations for Refuse Disposal Sites and Facilities so that it may continue current procedures at its private landfill. The landfill, located at Petitioner's Belleville brewery, was opened around 1935 and is presently operated as an open dump. Glass cullet, wastepaper, cardboard, metal drums, beer cans, and other refuse from Petitioner's operation, including beer, is deposited at the site. The recycling of aluminum beer cans, however, has recently reduced the quantity of material being dumped. Petitioner's general manager testified that the refuse is covered with granular ash material from the Company's coal fired boilers at intervals from "a week to a week and a half, depending upon how much debris and when we feel it needs to be controlled". (R. 8,9)

Rule 5.07 provides: "Cover material shall be of such quality...which will permit only minimal percolation of surface water when properly compacted." Under Rule 5.07(a) six inches of cover material is to be applied to all exposed refuse at the end of each working day. Petitioner requests a variance so that it may continue to use ashes for cover material and may continue to cover once a week instead of on a daily basis.

The EPA has recommended that the variance be denied since Petitioner has not demonstrated that it would be an unreasonable financial burden to: a) obtain earth cover to be applied on a daily basis at the private site, or b) transport the wastes to another landfill site.

The record includes conflicting estimates of these costs. Petitioner contends that a denial of the variance would mean an additional cost of \$19,850 per year for dirt or \$24,500 for contract refuse disposal. The Agency contends that Petitioner bases the estimate on just one bid contrary to normal business practice and that the estimate is not reasonable. Agency figures based on contacts with two such services, ranged from \$3,660 per year to \$4,260 per year for the hauling of such wastes.

The Agency further contends that the ash material currently being used to cover the refuse, permits more percolation of the surface water than necessary and is not an inert material appropriate for the covering of refuse. The Agency witness testified that the cover material being used by Petitioner was similar in composition to fly ash containing calcium, sodium, potassium, chlorides, sulfates, cadmium, copper, iron, lead, manganese, mercury, nickel and zinc and that the possibility existed that these salts could be leached into underground waters in the area. Petitioner's response to this testimony is that these materials occur naturally in nature and there is no evidence that they are injurious to drinking water for humans.

We do not feel that Petitioner has proved that compliance with the Regulation imposes an arbitrary or unreasonable hardship. The ashes are not an appropriate cover material for that community. We believe that Petitioner will be able to dispose of its wastes properly for much less than the cost claimed and, in weighing the costs of such disposal against the possible damage to the public from water pollution we are compelled to deny the variance.

ORDER

It is ordered that Carling Brewing Company's petition for variance is hereby denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 15th day of March, 1973 by a vote of 7 to 0.

Christan L. Moffett