

ILLINOIS POLLUTION CONTROL BOARD  
April 12, 1973

CITY OF HARRISBURG AND )  
MILO LAMBERT )  
 )  
 v. ) PCB72-513  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

OPINION AND ORDER OF THE BOARD (by Samuel T. Lawton, Jr.):

Petitioners, Milo Lambert ("Lambert") and City of Harrisburg ("the City") are seeking a variance from the Board's order of November 21, 1972 (Environmental Protection Agency v. City of Harrisburg and Milo Lambert, #72-80, 5 PCB \_\_\_\_\_). The petition was filed on December 29, 1972, and requests a delay from the January 1, 1973 date when we ordered that final cover shall be completed on the landfill site.

Petitioner Lambert has been the operator of the site which is owned by the City. The landfill consists of approximately 23 acres and is located near Harrisburg in Saline County. The Board previously found that materials had been dumped at the site, including domestic garbage, trees, paper, lumber, brush, tires and appliances. We found Respondents in violation for open burning, inadequate daily cover, and failure to provide shelter sanitary facilities. In addition to ordering final cover of the site, Petitioners were ordered to cease and desist from all violations and penalties were assessed in the amount of \$250 for Lambert and \$500 for the City.

Petitioners represent that final grading could not be completed by the ordered date because of the continuous rainfall in and about the area, which made it a physical impossibility to use earth moving equipment necessary to complete that grading. A hearing was held on March 9, 1973 wherein a stipulation was entered by and between the respective parties. In that stipulation, the Petitioners acknowledged that they had read the recommendation of the Environmental Protection Agency ("Agency") and stated that weather permitting, final cover and grading would be accomplished within the time limit recommended. Petitioners also agreed to the other conditions

attached in that recommendation. The recommendation was that Petitioners be required to complete application of final cover within 100 days of the Board order granting the variance, and that progress reports be submitted to the Board and Agency at 25 day intervals, commencing at the date of the Board's order granting the variance. A \$10,000 performance bond is to be posted to guarantee performance of all conditions.

The Agency investigation discloses that material is available on the site for the application of proper final cover. The site itself has apparently been closed since April of 1972. The absence of final cover raises potential problems of vectors, odors and fire hazards. These problems may be aggravated during the summer months. In the interest of the public, the Respondents should proceed as quickly as possible to apply final cover. The stipulation appears the best way to accomplish this goal.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board that:

1. Petitioners be required to complete application of final cover.
2. Petitioners are granted a variance from Paragraph 2 of the order in #72-80 until 100 days from the date of this order.
3. Progress reports are to be submitted by Petitioner to the Board and the Agency at 25 day intervals commencing at the date of this order.
4. Petitioners are required to submit a bond in the amount of \$10,000 to guarantee performance of all conditions in Paragraphs 1 and 3, said bond to be posted in the form satisfactory to the Agency within 14 days of this order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 12<sup>th</sup> day of                     , 1973, by a vote of 4 to 0.

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