ILLINOIS POLLUTION CONTROL BOARD
January 23, 1973

WHETZEL CONSTRUCTION COMPANY	)	
	)	
	)	#72-427
v.	)	
	)	
ENVIRONMENTAL PROTECTION AGENCY	)	

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

On February 3, 1972, in Case #71-302, a variance was granted to petitioner expiring February 3, 1973, which allowed petitioner to dump non-putrescible refuse into a borrow pit in Champaign County. Rule 5.12(c) of the Rules and Regulations for Refuse Disposal Sites and Facilities prohibits the disposition of refuse in standing water. The materials which have been dumped into the pit include broken concrete, asphalt, dirt, gravel, stone and brick. Putrescible and combustible materials are removed before dumping into the pit and hauled elsewhere.

The present petition seeks extension of the variance for another year. In our original petition, we noted that the filling of the pit would remove danger inherent in an open pool and that the operation by petitioner would have the beneficial effects of furnishing a means of disposal of the materials in question and ultimately, allow for the use of the filled land without any adverse effect on the community during the filling process. The Agency has recommended the variance be extended subject to the same terms and conditions as the original grant. We concur and extend the variance accordingly.

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

IT IS THE ORDER of the Pollution Control Board that variance heretofore granted in Case #71-302 on February 3, 1972, be extended to January 23, 1974, subject to all terms and conditions contained in our original grant of variance. Dumping in the pit shall be only of non-combustible and non-putrescible materials.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 23RD day of January, 1973, by a vote of 3 to 0.

Christan L. Moffett