## ILLINOIS POLLUTION CONTROL BOARD August 29, 1972

DANVILLE METAL	STAMPING (	co.	) )
v.			, ) ) #72-228 )
ENVIRONMENTAL	PROTECTION	AGENCY	) }

Opinion & Order of the Board (by Mr. Currie):

The company wishes to fill an old shale pit with dirt and demolition refuse described as brick, mortar, glass, and broken concrete from an urban renewal area. A variance is necessary because of the rule against dumping solid waste into standing water. PCB Regs., Ch. 7, Rule 5.12(c). The Agency recommends a grant on certain conditions, finding that if they are followed no pollution will exist. The company agrees to the conditions. The rule is a prophylactic one designed to guard against pollution; in light of the facts regarding the relatively innocuous nature of the material, the low permeability of the surrounding strata, the precautions that will be taken to present overflow, and the social desirability of filling this presently unusable and dangerous land, we think the variance should be granted. See Whetzel Construction Co. v. EPA, #71-302 (Feb. 3, 1972).

## ORDER

Danville Metal Stamping Co. is hereby granted a variance from PCB Regs. Ch. 7, Rule 5.12(c) to allow the deposit of certain material in its shale pit at 17 Oakwood Avenue, Danville, Illinois, subject to the following conditions:

- 1. The refuse to be accepted and deposited shall be limited to brick, mortar, glass, broken concrete, and earth excavations.
- 2. Petitioner shall notify the Agency and Pollution Control Board within 7 days of any entry of water from the pit into the Vermillion River. A chemical analysis of the water leaving the pit shall be included in the notice.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 39th day of the day of 1972, by a vote of 5-0.

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