

ILLINOIS POLLUTION CONTROL BOARD

August 5, 2004

IN THE MATTER OF: )  
)  
PETITION OF JOHNS MANVILLE FOR AN ) AS 04-04  
ADJUSTED STANDARD FROM: 35 Ill. ) (Adjusted Standard – Land)  
Adm. Code 811.310, 811.311, 811.318, and )  
814 )

ORDER OF THE BOARD (by G.T. Girard):

On June 30, 2004, Johns Manville (JM) filed a request (Pet.) for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act) (415 ILCS 5/28.1 (2002)). JM seeks relief from the landfill closure requirements pertaining to landfill gas monitoring and management, and groundwater monitoring under 35 Ill. Adm. Code 814, 811.310(c)(1), 811.311(a)(1), and 811.318(b)(4).

The landfill is located on a 350-acre tract bordering Lake Michigan owned by JM in Waukegan, Lake County. The landfill is located on and surrounded by units remediated under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9605. Pet. at 3. During its operating period from 1992 to 1998, the facility was intended to accept inert waste, but also received some putrescible waste, such as roofing materials, wood, paper, and cardboard. Pet. at 6. Since the production of methane gas is expected to be very small, the petitioner is seeking to opt out of installing a landfill gas management system if 5 years of monitoring fail to show significant gas production. Pet. at 9. Additionally, to avoid compromising the integrity of the CERCLA engineered cover and steep side slopes of the site, petitioner is also seeking to install gas and groundwater monitoring points at a greater distance than required by 35 Ill. Adm. Code 811.311 and 811.318. Pet. at 11.

Section 28.1 of the Act (415 ILCS 5/28.1 (2002)) and 35 Ill. Adm. Code 104.408 require publication of a notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner's activity. The notice must be published within 14 days of filing a petition for an adjusted standard with the Board. See 35 Ill. Adm. Code 104.408(a). As required by 35 Ill. Adm. Code 104.410, the petitioner timely filed a certificate of publication with the Board on July 15, 2004. The notice of petition was published in the *News-Sun* on July 7, 2004.

Although the notice is proper, the Board finds that the petition has not adequately addressed the requirements of Section 28.1(c) of the Act (415 ILCS 5/28.1(c) (2002)) and the Board's rules at 35 Ill. Adm. Code 104.406. The Board finds that the petition is deficient because the factors in Section 814.402(b)(3) have not been addressed.

The petition does not adequately explain how petitioner will demonstrate compliance with groundwater standards. The requested adjusted standard would effectively change the compliance boundary where groundwater standards must be met by extending that boundary to

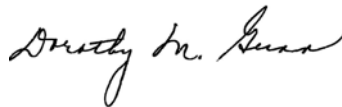
200 feet. The Board rules at Section 811.320(a)(1) requires that “groundwater quality shall be maintained . . . at or beyond the zone of attenuation (ZOA).” The ZOA is generally 100 feet from the edge of the unit or the property boundary, whichever is less. *See* 35 Ill. Adm. Code 811.320(c). Pursuant to Section 814.402(b)(3), the Board may adjust the compliance boundary with an adjusted standard, as long as the petitioner addresses the factors set forth in that section. The petition before the Board does not establish how petitioner will demonstrate compliance with the groundwater standards relative to the zone of attenuation. Further, the petition lacks information on how the compliance boundary will be determined. Finally, a review of the petition indicates that the petitioner may also need to seek an adjusted standard from Section 811.320(c) by addressing the factors in Section 814.402(b)(3).

The Board notes that the petition has sparse descriptions of the site and numerous references to other documents that may have more information pertinent to the Board’s consideration of this petition. For example, the petition at page 5 states that “. . . the onsite landfill consisted of two areas: 1) the miscellaneous disposal pit, that was constructed on top of clean fill that had been placed during CERCLA remedial activities and 2) a portion of the collection basin, which had formerly been operated as part of the wastewater treatment system.” Pet. at 5. On page 6, the petition describes wastes that were placed in the landfill: calcium silicate, roofing materials, wood, paper, and cardboard. Pet. at 6. The petition is not clear as to whether or not the collection basin from the wastewater treatment system will be included with the landfill. If that is the case, petitioner should describe the type of material that was accumulated and remains in the collection basin as well as the landfill gas production potential of the materials. These questions and additional Board inquiries can be addressed at hearing if an amended petition is filed and accepted by the Board.

Due to the deficiency in addressing the factors in Section 814.402(b)(3), the Board cannot accept the petition. The Board therefore directs petitioner to address the information requirements of Section 28.1 of the Act (415 ILCS 5/28.1 (2002)) and Section 104.406 of the Board’s rules in an amended petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 5, 2004, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board