

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 05 1999

STATE OF ILLINOIS
Pollution Control Board

COMMUNITY LANDFILL COMPANY)
and CITY OF MORRIS,)

Petitioners,)

vs.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

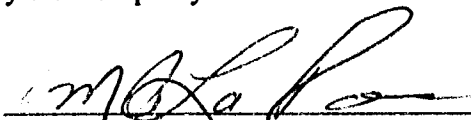
PCB No. 00-66

NOTICE OF FILING

TO: Ms. Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601

Mr. John Kim, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE, that on October 5, 1999, the undersigned filed the original and nine copies of PERMIT APPEAL AND PETITION FOR HEARING with the Office of the Clerk of the Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, a copy of which is attached and hereby served upon you.



One of the Attorneys for Petitioners, Community
Landfill Company and the City of Morris

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THIS FILING IS SUBMITTED ON RECYCLED PAPER.

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PERMIT APPEAL AND PETITION FOR HEARING

Petitioners, Community Landfill Company (CLC) and City of Morris, by its attorneys, Mark A. LaRose, Ltd. and Michael H. Massino, Ltd., pursuant to § 40(a) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)) and 35 I.A.C. § 105.102, hereby file this Permit Appeal and Petition for Hearing regarding Respondent Illinois Environmental Protection Agency's (IEPA's) denial of significant modification application for the Morris Community Landfill under Permit Log No. 1996-256, and in support hereof state as follows:

The Parties

1. Petitioner CLC is an Illinois private corporation that is the permitted operator of the Morris Community Landfill located on Ashley Road, City of Morris, County of Grundy, Illinois.
2. Petitioner City of Morris is an Illinois municipal corporation that is the permitted owner of the Morris Community Landfill located on Ashley Road, City of Morris, County of Grundy, Illinois.
3. The IEPA is an agency of the State of Illinois, empowered to consider, issue or deny various applications for permit pursuant to § 39 of the Illinois Environmental Protection Act.

Description of the Morris Community Landfill

4. The Morris Community Landfill consists of two parcels of land, currently permitted as one landfill, IEPA Site Number 0630600001.

5. Parcel A, which is on the east side of Ashley Road in a rural area of the City of Morris, consists of approximately 55 permitted acres. For many years, Parcel A was used by the City of Morris as a municipal solid waste landfill, until the active landfill operations were discontinued in the 1970's. Pursuant to an order from the Appellate Court of Illinois, Third District, Docket No. 3-96-0182 dated June 17, 1996, CLC and the City of Morris filed an application for significant modification on August 5, 1996, permit Log No. 1996-255. Pursuant to operating Permit Nos. 1974-22-DE and 1974-22-OP issued October 11, 1996, 35 I.A.C. § 814.105(b), and a lease with the City of Morris, CLC continues to operate Parcel A pending the IEPA's review of the permit application, and pending the resolution of all permit appeals. Parcel A presently accepts only construction and demolition waste as well as contaminated soil from LUST sites.

6. Parcel B of the Morris Community Landfill consists of approximately 64 permitted acres and is located on the west side of Ashley Road in a rural area of the City of Morris. From approximately 1982 to 1996, CLC, pursuant to permits and supplemental permits from IEPA and leases and supplemental leases with the City of Morris, has operated Parcel B. Pursuant to an order from the Appellate Court of Illinois, Third District, Docket No. 3-96-0182 dated June 17, 1996, CLC and the City of Morris filed an application for significant modification on August 5, 1996, permit Log No. 1996-256. Disposal operations at Parcel B ceased in 1996, and closure of the site has begun.

7. A more detailed description of the entire facility is contained in the permit applications and supplement thereto filed in Permit Log Nos. 1996-255 and 1996-256, which are in the Agency's possession and will be filed as portion of the record in this case. The applications are voluminous in size and represent approximately 43 submittals of information. These submittals include the original 10-volume application, additional engineering and hydrogeological studies application review period extensions and engineering design.

Standards Under Which the Permit Was Sought

8. The significant modification permit application, and all additions and amendments thereto under Permit Log No. and 1996-256 (Parcel B), was submitted pursuant to § 39 of the Illinois Environmental Protection Act, and sought to demonstrate compliance with RCRA Subtitle D and the Illinois rules promulgated as R 93-10 and 35 I.A.C. Part 814, Subpart C, pursuant to 35 I.A.C. 814.104((b)).

9. The petitioners believe that the application and additions and amendments thereto demonstrated compliance with the particular standards set forth in paragraph 8, above.

Description of Contaminant Emissions and Proposed Levels of Control

Parcel B

10. The contaminants that the petitioners sought to control with the significant modification application under Permit Log No. 1996-256 include contaminants normally found in leachate from the disposal of municipal refuse, special wastes, construction and demolition debris and contaminated soil, from disposal of same up to 1996. These contaminants may include those found in Exhibit 1, attached.

11. Petitioners proposed to contain those potential contaminants with the following devices:

- A. Construction of an impervious final cover over the landfill to reduce infiltration into the landfill.
- B. Installation of three (3) vertical leachate withdrawal wells to pump leachate from the landfill and groundwater from beneath the landfill.
- C. Installation of an active landfill gas management systems to remove gas from the landfill (completed).
- D. Treatment of the gas condensate by the City of Morris POTW and destruction of the landfill gas.
- E. As needed, removal of leachate from the vertical gas collection wells.
- F. Construction of a 104,200 gallon tank to temporarily hold leachate, groundwater and condensate from Parcels A and B.
- G. Construction of a sewer connection to the City of Morris POTW, which will treat the leachate.
- H. Installation of a groundwater monitoring well network consisting of 10 monitoring wells to replace the existing network of six (6) monitoring wells.
- I. Installation of 18 gas monitoring probes.

The above list of devices is a representative accounting of the various improvements proposed for the landfill. Additional improvements in devices, monitoring and the post-closure care period were also proposed, are too numerous to set forth here, but will be contained in the application and supplemental submittals to the application, which will be part of the record in this case.

The Permit Denial

12. On September 1, 1999, the IEPA mailed the permit denial for Parcel B, Permit Log No. 1996-256 to the City of Morris as owner and CLC as operator. The permit denial under Log No. 1996-256 is attached hereto in its entirety and identified as Exhibit 2.

13. Petitioners contest each and every reason or alleged justification for denial of the significant modification permit for Parcel B as set forth in Exhibit 2.

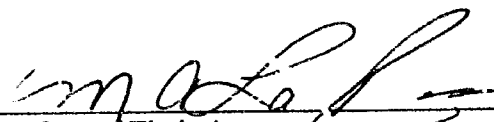
14. Pursuant to § 40(a) of the Illinois Environmental Protection Act and 35 I.A.C. § 105.102, petitioners must file a petition for hearing "... within 35 days of the date of mailing of the Agency's final decision." This appeal is timely filed on or before October 6, 1999, within 35 days of September 1, 1999, and pursuant to the computation of time provisions set forth in 35 I.A.C. § 101.109.

WHEREFORE, the Petitioners respectfully pray that the Board:

1. Require the Agency to answer, appear as respondent, and file a complete administrative record in this case;
2. Set this matter for hearing and other proceedings (e.g. discovery) as authorized or required by §§ 32, 33(a) and 40 of the Illinois Environmental Protection Act and the applicable rules of the Board; and
3. Following said hearing, reverse the Agency's permit denial and order that the significant modification permit be issued for Parcel B of Morris Community Landfill, Site Number 0630600001.

Respectfully submitted,

COMMUNITY LANDFILL COMPANY and
CITY OF MORRIS, Petitioners

By: 
One of Their Attorneys

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The following list of contaminants as well as additional parameters may or may not be found in the leachate, groundwater, gas condensate from the landfill operations:

Alkalinity (total)

BETX

Bicarbonate

Biological Oxygen Demand (BOD)

Chemical Oxygen Demand (COD)

Fecal Coliform

Oil (hexane-soluble or equivalent)

Ph

Total Dissolved Solids (TDS)

Total Organic Carbon (TOC)

Total Organic Halogens (TOX)

Aluminum (Dissolved & Total)

Ammonia (as Nitrogen)

Antimony (Dissolved & Total)

Arsenic (Dissolved & Total)

Barium (Dissolved & Total)

Beryllium (Dissolved & Total)

Boron (Dissolved & Total)

Cadmium (Dissolved & Total)

Calcium (Dissolved & Total)

Chloride (Dissolved & Total)

Chromium (Dissolved & Total)

Cobalt (Dissolved & Total)

Copper (Dissolved & Total)

Cyanide (Total as Cn^-)

Fluoride (Dissolved & Total)

Iron (Dissolved & Total))

Lead (Dissolved & Total)

Magnesium (Dissolved & Total)

Manganese (Dissolved & Total)

Mercury (Dissolved & Total)

Nickel (Dissolved & Total)