ILLINOIS POLLUTION CONTROL BOARD December 20, 1977

INTERPACE CORPORATION, a Delaware Corporation,))	
Petitioner,)	
V.)	PCB 77-264
ENVIRONMENTAL PROTECTION AGENCY,)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

This matter comes before the Board upon the October 6, 1977 petition for variance filed by Interpace Corporation (Interpace) requesting relief from Rule 305(a) of Chapter 7: Solid Waste Regulations for a period of five years. The Environmental Protection Agency (Agency) filed an objection on October 17, 1977. Interpace then amended its petition on October 19, 1977 to reduce the requested variance period to two years. On November 14, 1977 the Agency filed its Recommendation in favor of granting the variance with conditions and Interpace filed a letter accepting those conditions on November 18, 1977. On November 23, 1977 the Board granted a motion presented orally by the Agency to withdraw its objection and request for hearing. As a result, no hearing was held in this matter.

Interpace manufactures reinforced concrete at its plant located in Winnebago County, Illinois. As a result of spillage, breakage or waste, two to four tons of concrete waste, cull pipe and steel rod are placed each day in a landfill located on Interpace's property. Interpace has previously received a variance from Rule 305(a), effective until December 3, 1976 (Interpace Corporation v. EPA, PCB 75-495, 22PCB37, June 3, 1976). The grant of a variance would permit continued operation of the landfill.

Interpace alleges and the Agency agrees that application of daily cover, costing \$1,000 per week, would result in an arbitrary and unreasonable hardship because the waste material is relatively inert and does not harbor rodents or cause any noxious odor. In addition, disposal at this site is the only feasible alternative due to the volume of waste material. The environmental harm resulting from the grant of a variance would be the possibility of leachate generation from the steel rod and the possibility that the site could become an eyesore. The Agency believes these problems can be adequately handled by placement of intermediate and final covers. Therefore, the Board finds that the benefits derived from the grant of a variance outweigh any harm to the environment.

Interpace is granted a variance from Rule 305(a) of Chapter 7 until October 19, 1979 subject to the following conditions. First, the exposed surface of the landfill shall not exceed one acre and disposal shall be limited to the height of the adjacent terrain. Next, Interpace shall place intermediate cover over the site every six months and final cover at the end of the variance period.

This Opinion and Order constitute the findings of fact and conclusions of law of the Board.

ORDER

Interpace is hereby granted a variance from Rule 305(a) of Chapter 7 until October 19, 1979 subject to the following conditions:

1. The exposed surface of Interpace's site shall be limited to no more than one acre.

2. Disposal shall be limited to the relative height of adjacent improved terrain.

3. Interpace shall cover the exposed surface of the landfill with intermediate cover every six months and final cover at the end of the variance period.

4. Interpace shall, within 45 days of the date of the Board's Order herein, submit to the Agency a Certificate of Acceptance to be bound to all the terms and conditions of the variance. This 45 day period shall be held in abeyance during any period this matter is being appealed. The form of the Certificate shall read as follows:

I, (We), having read the Order of the Illinois Pollution Control Board in case No. PCB77-264, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

SIGNED

TITLE

DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 20^{7} day of <u>december</u>, 1977 by a vote of <u>S-0</u>.

Christan L. Mottett, Clerk Illinois Pollution Control Board