

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1976

LEONARD C. TRIEM, d/b/a TRIEM)
INDUSTRIAL BUILDING OPERATIONS,)
)
Petitioner,)
)
v.) PCB 76-32
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

The original Petition for Variance in this matter was filed on February 5, 1976 by Leonard C. Triem, doing business as Triem Industrial Building Operations (hereinafter "Triem"), seeking relief from the permit requirement for solid waste management sites in Rule 202(b) of Chapter 7: Solid Waste, of the Board's Rules and Regulations. Pursuant to an Interim Order of the Board entered on February 11, 1976, finding the original Petition inadequate, an Amended Petition was filed on March 29, 1976, dropping the Variance request with regard to Rule 202(b), and seeking instead relief from the final cover requirement of Rule 305(c) of Chapter 7. An Agency Recommendation was filed on June 14, 1976, to which Triem responded on July 20, 1976. No hearing was held in this matter.

Triem has operated a sanitary landfill site in southern Cook County, Illinois since 1947. Prior to Triem's purchase of the site it had been used for refuse dumping by approximately 20 surrounding communities since 1929. Petitioner describes the site (as of 1947) as a clay hole 20 to 30 feet deep surrounded by a solid clay wall with an additional clay berm 15 feet high added by Triem. Now 95% full, operations on the site are confined to a trench 30 feet deep and measuring 100 feet by 600 feet.

Petitioner states that there are some areas of the site which have been filled, but do not have sufficient final cover. Petitioner alleges that it will take about 20 months to apply approximately 90,000 cubic yards of clay cover material, thus bringing the site up to final grade in conformity with all applicable cover requirements. The final grade and cover should be such that surface water will not infiltrate into the site, but will run off to adjacent natural drainage without contacting the incorporated refuse. The final cover will be seeded to avert runoff problems.

Triem also expressed a complete willingness to comply with all closure requirements, and an intent to assure that the site will not cause environmental damage. Triem states that it will perform groundwater monitoring downgrade from the site, despite the fact that the site's clay lining should prevent leachate flows. Triem will also install additional methane burners to complement the existing one.

Based on the above factors, Triem alleges that the grant of the requested Variance would not result in any environmental harm. The Agency's Recommendation agrees and states that, "because of the composition of the underlying soil, the possibility of significant groundwater pollution from leachate is small." Rec. at 2.

Despite its conclusions as to lack of environmental harm, however, the Agency's Recommendation questions whether Triem has shown sufficient hardship to warrant the grant of a Variance. The Agency notes that Petitioner has another solid waste management site in Beecher, Illinois, from which cover material is now being hauled to the site in issue here, and questions whether the Beecher site could be used for all of Petitioner's operations while the site in issue here is closed and all required cover added. Triem's response to the Agency Recommendation adequately covers this issue by noting that in the event of such a diversion, all cover material at the Beecher site would be required there by virtue of the increased operations and consequent need for additional cover.

Nor do we feel that the hardship in this case is self-imposed. The Amended Petition shows that Petitioner's site was operated as an open dump for many years before acquisition by Petitioner, resulting in a great need for cover material. Petitioner has shown that during the last year approximately 183,000 cubic yards of cover material has been applied to the site, indicating a good faith attempt to achieve compliance.

We feel that a Variance here will allow Petitioner to continue those efforts, and will provide the most expeditious means toward final, complete and proper closure of the site. Triem has consented to the monitoring-well condition in the Agency Recommendation, which should provide further assurance that there will be no environmental harm.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that Petitioner Leonard C. Triem, d/b/a Triem Industrial Building Operations, be granted a Variance for one year from the date of this Order from Rule 305(c) of Chapter 7: Solid Waste, subject to the following conditions:

1. A water monitoring well built conforming to Illinois Environmental Protection Agency specifications shall be installed down-gradient of Petitioner's solid waste management site.

2. Petitioner shall, within twenty-eight (28) days of the date of this Order, execute and forward to the Environmental Protection Agency, Control Program Coordinator, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance in the following form:

I, (We), _____ having read the Order of the Illinois Pollution Control Board in case No. PCB 76-32, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

SIGNED

TITLE

DATE

Mr. James Young dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 5th day of August, 1976, by a vote of 4-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board