

ILLINOIS POLLUTION CONTROL BOARD

December 14, 1978

CITY OF ROCK ISLAND,)
)
 Petitioner,)
)
 v.) PCB 78-143
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

In an Amended Petition filed on July 10, 1978 Petitioner requested a two year extension of a prior Board variance. In City of Rock Island v. EPA (PCB 75-411, 75-433, 76-31; 29 PCB 49; January 19, 1978) the Board found that Petitioner had violated Sections 12(a), 12(d), and 21(e) of the Act and granted a variance from those sections and Rule 203(f) of Chapter 3. The variance allowed continued operation of Petitioner's solid waste management site without an operating permit until October 15, 1978. The Agency has recommended that the variance be extended for only one year. On November 21, 1978 Petitioner accepted the Agency's Recommendation.

Petitioner has continued its pursuit of an acceptable site to replace its present landfill operation. In a Second Amended Petition for Variance Petitioner indicated it was considering retaining a contractor to operate a site to be purchased soon. Petitioner contends that there are no alternative sites in the vicinity which could be used while a new site is developed without significant additional expense. A report attached to the Amended Petition indicates that concentrations of mercury, zinc, and copper in testwells near the plant site have increased.

The Agency contends and the Board agrees that the present site should be closed as quickly as possible and a new site opened. A one year extension should be adequate for both purposes.

Petitioner agrees to refuse to accept liquid or toxic waste at the present site but wants to accept sewage sludge generated by itself, the City of Moline, and the Village of Milan. The Agency recommends that this permission be extended only to sludge generated by the City of Rock Island. The Board finds that Petitioner should be allowed to accept the sludge from Moline and Milan since it serves the rest of those municipalities' solid waste disposal needs.

Denial of an extension of Petitioner's prior variance would

constitute an arbitrary or unreasonable hardship.

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

ORDER

It is the Order of the Pollution Control Board that Petitioner be granted a variance from Sections 12(a), 12(d), 12(f), 21(e), and 21(f) of the Act and Rules 202(b), 207(a), 207(b), 213(a), 313, 314(e), 316(a)(15)(vi), and 316(b)(1) of the Board's Solid Waste Regulations from October 15, 1978 until October 15, 1979 subject to the following conditions:

- (1) During the term of this variance Petitioner shall strictly adhere to the daily and intermediate cover requirements of Rule 305 of the Board's Solid Waste Regulations;
- (2) During the term of this variance Petitioner shall implement a program of application of final cover to each portion of the site as soon as possible after the final placement of refuse in each such portion, and shall report to the Agency on the first day of each month on the progress toward completing final cover;
- (3) During the term of this variance Petitioner shall not accept any liquid or hazardous waste or sewage sludge at its site other than sewage sludge generated by Petitioner, the City of Moline, or the Village of Milan;
- (4) Petitioner shall promptly select a new site, submit a progress report concerning the new site by January 1, 1979, submit a development permit application by March 15, 1979, and commence permitted operation at the new site by October 15, 1979;
- (5) Upon termination of operation on or before October 15, 1979 at its present site, Petitioner shall immediately begin to place final cover in accordance with Rule 305(c) of the Board's Solid Waste Regulations; and
- (6) Within 45 days of the date of this Order Petitioner shall execute and forward a Certificate of Acceptance and Agreement to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706 to be bound to all terms and conditions of this variance. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of the Certification shall be as follows:

CERTIFICATION

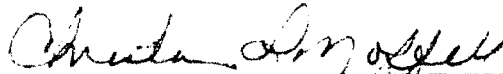
I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-143 hereby accept that Order and agree to be bound by all of its terms and conditions.

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 14th day of December, 1978 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board