

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

March 1, 2012

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MAR - 1 2012

STATE OF ILLINOIS
Pollution Control Board

IEPA 12-9

In re:

WEST END DISPOSAL
LANDFILL,
Petitioner.

(Provisional Variance - Land)

Re: Application for Provisional Variance Pursuant to 35 Ill. Adm. Code Part 180

Rick J. Lane
P.O. Box 657
622 North Granger
Harrisburg, Illinois 62946

Dear Mr. Lane:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed West End Disposal Landfill's ("West End's") March 1, 2012 application for a provisional variance pursuant to 35 Ill. Adm. Code Part 180. Based on this review, a provisional variance for a period of 45 days is GRANTED by the Illinois EPA.

The applicable facts of this application are as follows:

1. West End is a municipal waste landfill located at 1710 McFarland Road, Thompsonville, Saline County, Illinois. It is owned and operated by Landfill, LLC, 1710 McFarland Road, Thompsonville, Illinois 62890. Rick J. Lane is the certified operator of the facility.
2. During the early morning hours of February 29, 2012, a tornado rated an EF4 by the National Weather Service and other severe weather caused deaths, injuries and extensive property destruction in the vicinity of nearby Harrisburg, Illinois. Once cleanup efforts begin, there will be a need for adequate disposal capacity at nearby landfills.
3. West End seeks to aid these cleanup efforts and is the nearest Illinois EPA permitted landfill to Harrisburg (the next nearest landfill is in Carbondale, Illinois). Although West End's current operational disposal capacity is limited, it has a new cell ready for disposal activity. But operations in the new cell cannot commence until West End has complied with the financial assurance requirements of 35 Ill. Adm. Code 811.700(b). It is currently difficult, if not impossible, for West End to obtain the necessary financial assurance since business operations of its financial institution have been interrupted by the aforementioned severe weather.

35 Ill. Adm. Code Part 180 allows a person to seek from the Illinois EPA a provisional variance of up to 45 days from a regulation. The Illinois EPA shall grant a provisional variance upon presentation of adequate proof that compliance on a short term basis with any rule or regulation, requirement or order of the Board, or with any permit requirement, would impose an arbitrary or unreasonable hardship. In evaluating an application for provisional variance, the Illinois EPA must evaluate the adequacy of the information provided in response to 35 Ill. Adm. Code 180.202. Particular consideration must be given to the inclusion of a definite compliance program, evaluation of all reasonable alternatives for compliance, and demonstration that any adverse impacts will be minimal.

West End's application for a provisional variance satisfies the applicable information requirements of 35 Ill. Adm. Code 180.202. In particular, the application includes a definite compliance program, evaluates all reasonable alternatives for compliance, and demonstrates that any adverse impacts will be minimal.

The Illinois EPA finds that compliance by West End on a short term basis with 35 Ill. Adm. Code 811.700(b) would impose an arbitrary or unreasonable hardship based upon the facts and circumstances that exist in this situation. The Illinois EPA hereby GRANTS West End a provisional variance pursuant to 35 Ill. Adm. Code Part 180 for a period of 45 days. If West End cannot comply with 35 Ill. Adm. Code 811.700(b) within this 45 day time period, it shall timely request an extension of this provisional variance or cease operations in its new cell.

West End shall sign a certificate of acceptance of this provisional variance and return it to James G. Richardson #21 at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 by March 9, 2012. The certification should take the following form:

West End Disposal Landfill hereby accepts and agrees to be bound by all terms and conditions of the provisional variance granted by the Illinois EPA on March 1, 2012.

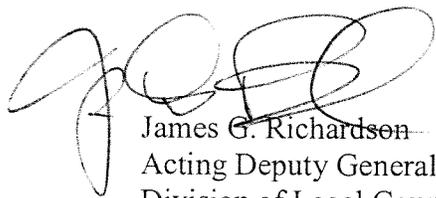
Authorized Agent

Title

Date

The Illinois EPA grants this provisional variance in accordance with its authority contained in Sections 35(b), 36 (c), and 37(b) of the Illinois Environmental Protection Act (415 ILCS 5/35(b), 36(c), and 37(b)), and 35 Ill. Adm. Code Part 180. The decision to grant this provisional variance is not intended to address compliance with any other applicable laws or regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'JGR', with a large, stylized flourish extending from the end of the signature.

James G. Richardson
Acting Deputy General Counsel
Division of Legal Counsel

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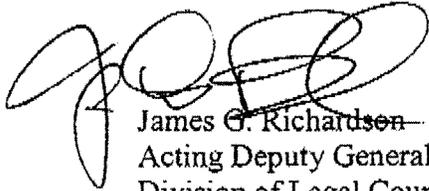
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James G. Richardson
Acting Deputy General Counsel
Division of Legal Counsel



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 782-5544
TDD (217) 782-9143

March 1, 2012

John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Re: Notice of Provisional Variance Approval - Land

Dear Mr. Therriault:

Pursuant to Subsection 37(b) of the Illinois Environmental Protection Act (415 ILCS 5/37(b)), attached is a copy of the Illinois EPA's recent approval of an application for provisional variance. As you know, the Board must maintain for public inspection copies of all provisional variances filed with it by the Illinois EPA. If you have any questions, please do not hesitate to contact me.

Sincerely,

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James G. Richardson
Acting Deputy General Counsel

Attachment



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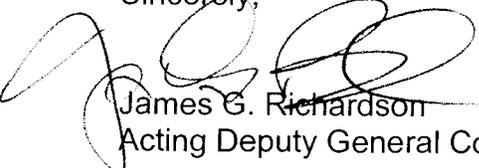
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