

ILLINOIS POLLUTION CONTROL BOARD

January 9, 1975

RODNEY SCHROEDER d/b/a)
RODNEY SCHROEDER & SON DISPOSAL)
SERVICE,)
)
Petitioner,)
)
vs.) PCB 74-370
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

Rodney Schroeder d/b/a Rodney Schroeder & Son Disposal Service filed Petition for Variance seeking relief from Rule 202(b)(1) of the Solid Waste Regulations for a period of six months in order to continue operating his landfill pending development and operation of a more suitable landfill site. Rule 202(b)(91) requires an operating permit for use or operation of any solid waste management site in Illinois.

Petitioner has operated a 6.27 acre sanitary landfill at the Southeast edge of Milford in Iroquois County since 1966. The site was registered with the Illinois Department of Public Health in 1967. Less than 50 cubic yards per day of refuse are being deposited at the site. This quantity of waste represents the waste generated by a population of about 2300 persons, local Milford businesses and canning industry.

A permit application submitted by Petitioner in April 1974 was denied by the Agency in May 1974. Petitioner submitted a second application which was denied in late August 1974. The reason given by the Agency was that Petitioner indicated plans to cut 5' deep trenches in an area which appeared to have a 4' static water level.

Petitioner states that the Village of Milford, realizing the plight of its only refuse hauler, is purchasing a site which is expected to be ready and permitted for use as a landfill early in 1975. A professional engineer has been retained to design the site. Petitioner has been asked by the Village to operate the

site once it is ready and permitted. Two other landfills are located within 20 miles of Milford but neither has a permit from the Agency. The nearest landfill with a valid Agency permit is located about 35 miles away. Hauling costs to this site are estimated to be a minimum of about \$500 per month which Petitioner believes would be prohibitive for his business.

Schroeder seeks to operate his landfill for a period of time not to exceed six months. If granted the variance Schroeder agrees to abide by three conditions: First, he agrees to halt further trenching at the present site of operation and operate only on higher ground to the North as remote as possible from ground water and a nearby creek. All operations at the higher level site will be in accordance with the Solid Waste Regulations except for the permit requirement of Rule 202(b)(1). Second, he agrees to close his landfill and apply proper final cover as soon as the Milford landfill receives an operating permit. Third, should the Milford landfill not receive a permit prior to the expiration of the six month variance, Schroeder will seek an alternate method of disposal in accordance with all Board Regulations and will properly close his landfill site.

A report from the Illinois Geological Survey states that the site chosen for the proposed Milford landfill is situated in an area with relatively impermeable surficial materials. The Survey reasoned that there would be little potential for aquifer pollution as a result of operations at the proposed Milford site.

The Agency Recommendation was filed on January 8, 1975 almost too late to be of assistance. The Agency does not dispute the facts alleged by Petitioner but recommends a denial.

Petitioner shall be granted the requested variance for a period of six months. The Village of Milford, its citizens and industry would be placed in a serious predicament if forced to suffer the loss of their only landfill site. While the Agency, in its denial of permit, hints of possible ground water contamination, no evidence of pollution from Petitioner's site has been shown. If Petitioner conducts his operation in compliance with his own suggested program any possibility of ground water contamination should be minimal.

ORDER

It is the Order of the Pollution Control Board that Rodney Schroeder d/b/a Rodney Schroeder & Son Disposal Service is granted variance from Rule 202(b)(1) of the Solid Waste Regulations until July 9, 1975 on the condition that:

1. Petitioner shall cease trenching at the present location and shall operate the landfill to the North of the present active operation in order to avoid contamination of the ground water and nearby creek.

2. Petitioner shall close his landfill and provide proper final cover as soon as practicable after the Milford landfill is in operation.
3. Petitioner shall properly close his landfill and seek an alternative method of disposal in the event the proposed Milford landfill has not received an operating permit by July 9, 1975.
4. Petitioner shall comply with the Solid Waste Regulations except for the requirement of Rule 202(b)(1).

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 9th day of January, 1975 by a vote of 5 to 0.

Christan L. Moffett (gr)