

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

COMMUNITY LANDFILL COMPANY )  
 and CITY OF MORRIS, )  
 )  
 Petitioners, )  
 )  
 vs. )  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

PCB No. 00-118

**PERMIT APPEAL AND PETITION FOR HEARING**

Petitioners, Community Landfill Company (CLC) and City of Morris, by its attorneys, Mark A. LaRose, Ltd. and Michael H. Massino, Ltd., pursuant to § 40(a) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)) and 35 I.A.C. § 105.102, hereby file this Permit Appeal and Petition for Hearing regarding Respondent's, Illinois Environmental Protection Agency's (IEPA's), denial of supplemental permit application for the Morris Community Landfill under Permit Log No. 1999-354, and in support hereof state as follows:

**The Parties**

1. Petitioner, CLC, is an Illinois private corporation that is the permitted operator of the Morris Community Landfill located on Ashley Road, City of Morris, County of Grundy, Illinois.
2. Petitioner, City of Morris, is an Illinois municipal corporation that is the permitted owner of the Morris Community Landfill located on Ashley Road, City of Morris, County of Grundy, Illinois.
3. The IEPA is an agency of the State of Illinois, empowered to consider, issue or deny various applications for permit pursuant to § 39 of the Illinois Environmental Protection Act.

### Description of the Morris Community Landfill

4. The Morris Community Landfill consists of two parcels of land, currently permitted as one landfill, IEPA Site Number 0630600001.

5. Parcel A, which is on the east side of Ashley Road in a rural area of the City of Morris, consists of approximately 55 permitted acres. For many years, Parcel A was used by the City of Morris as a municipal solid waste landfill, until the active landfill operations were discontinued in the 1970's. Pursuant to an order from the Appellate Court of Illinois, Third District, Docket No. 3-96-0182 dated June 17, 1996, CLC and the City of Morris filed an application for significant modification on August 5, 1996, permit Log No. 1996-255. Pursuant to operating Permit Nos. 1974-22-DE and 1974-22-OP issued October 11, 1996, 35 I.A.C. § 814.105(b), and a lease with the City of Morris, CLC continues to operate Parcel A pending the resolution of all permit appeals from the significant modification permit denial dated September 1, 1999. Parcel A presently accepts only construction and demolition waste, and was previously permitted to accept contaminated soil from LUST sites.

6. Parcel B of the Morris Community Landfill consists of approximately 64 permitted acres and is located on the west side of Ashley Road in a rural area of the City of Morris. From approximately 1982 to 1996, CLC has operated Parcel B pursuant to permits and supplemental permits from IEPA and leases and supplemental leases with the City of Morris, has operated Parcel B. Pursuant to an order from the Appellate Court of Illinois, Third District, Docket No. 3-96-0182 dated June 17, 1996, CLC and the City of Morris filed an application for significant modification on August 5, 1996, permit Log No. 1996-256. Active operations at Parcel B ceased in 1996, and closure of the site has begun.

### Standards Under Which the Permit Was Sought

7. The supplemental permit application and all additions under Permit Log No. 1999-354 sought renewal of a generic supplemental permit to accept contaminated soils from LUST and non-LUST sites. (See Permit Application attached as Exhibit A.) It was submitted pursuant to § 39 of the Illinois Environmental Protection Act, and sought to demonstrate compliance with the standards set forth in 35 I.A.C. Part 807.

8. The application under Permit Log No. 1999-354 demonstrated compliance with the particular standards set forth in paragraph 7, above.

### Description of Contaminant Emissions and Proposed Levels of Control

9. The contaminants that the petitioners seek to control with the supplemental permit application include soils generated from Leaking Underground Storage Tank (LUST) sites contaminated with any petroleum products, including petroleum motor fuels, waste oil, heavy fuel oils (#3-#6), etc., which are not RCRA Listed hazardous wastes; and soils generated from Non-LUST sites, e.g., above ground storage tanks, above ground spills, etc. contaminated with any petroleum products, including petroleum motor fuels, waste oil, heavy fuel oils (#3-#6), which are not RCRA Listed hazardous wastes.

10. The petitioners propose to control these contaminants with the following devices on the active portion of the landfill - Parcel A:

- A. Construction of a low permeability separation layer made of 36" of compacted clayey soil between historic fill layer (lower) and the new fill area (upper). The separation layer is equipped with a continuous leachate collection system around the entire perimeter.
- B. Construction of an impervious final cover over the landfill.

- C. Two groundwater collection/removal wells, which were previously installed and can be used to collect contaminated groundwater.
- D. The construction of a sewer connection to the City of Morris POTW, which will treat the groundwater, leachate and condensate.

11. In addition, the petitioners proposed to use the following devices to control these contaminants as part of its significant modification application, the same were denied, and are the subject of permit appeal under consolidated Docket Nos. PCB 00-65 and 00-66:

- A. Construction of at least two vertical withdrawal wells to pump leachate and contaminated groundwater from the lower historical fill area.
- B. Construction of a horizontal leachate collector trench to pump leachate and contaminated groundwater from the lower historical fill area.
- C. The construction of a groundwater collection trench to collect contaminated groundwater as may be needed based upon the operation of the removal wells listed in E, above.
- D. The construction of a 104,200 gallon tank to temporarily hold leachate, groundwater and condensate from Parcels A and B.
- E. The treatment of the groundwater at the Morris POTW for 100 years.
- F. Installation of a groundwater monitoring well network consisting of nine (9) monitoring wells to replace the existing network of three (3) monitoring wells.
- G. Installation of 13 gas monitoring probes.

### The Permit Denial

12. On December 9, 1999, the IEPA mailed the permit denial, Permit Log No. 1999-354, to the City of Morris as owner and CLC as operator. The permit denial under Log No. 1999-354, is attached hereto in its entirety and identified as Exhibit B.

13. Petitioners contest each and every reason or alleged justification for denial of the supplemental permit as set forth in Exhibit B, and to the contrary, states as follows:

- a. CLC has submitted adequate proof that the solid waste management site will be developed, modified, or operated so as not to cause a violation of the Act or the Rules; CLC continues to operate Parcel A pending the IEPA's review of the permit application, and pending the resolution of all permit appeals.
- b. CLC has demonstrated that it has authority to accept waste past September 18, 1997 in accordance with 35 I.A.C. Part 814 Subpart C. The provisions of 35 I.A.C. § 814.105(b) allow the City of Morris and CLC to continue operation of the landfill under its existing permit and is deemed to be in compliance during the pendency of the permit review period and all appeals that follow.

14. Pursuant to § 40(a) of the Illinois Environmental Protection Act and 35 I.A.C. § 105.102, petitioners must file a petition for hearing "... within 35 days of the date of mailing of the Agency's final decision." This appeal is timely filed on or before January 13, 2000, within 35 days of December 9, 1999, and pursuant to the computation of time provisions set forth in 35 I.A.C. § 101.109.

**WHEREFORE**, the Petitioners respectfully pray that the Board:

1. Require the Agency to answer, appear as respondent, and file a complete administrative record in this case;
2. Set this matter for hearing and other proceedings (e.g. discovery) as authorized or required by §§ 32, 33(a) and 40 of the Illinois Environmental Protection Act and the applicable rules of the Board; and
3. Following said hearing, reverse the Agency's permit denial and order that the supplemental permit be issued for Morris Community Landfill, Site Number 0630600001, Permit Log. No. 1999-354.

Respectfully submitted,

COMMUNITY LANDFILL COMPANY and  
CITY OF MORRIS, Petitioners

By: 

One of Their Attorneys

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September 16, 1999

Joyce Munie, P.E.  
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Illinois Environmental Protection Agency  
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re: 0630600001 - Grundy County  
Morris Community Landfill

Supplemental Permit Application  
Renewal of Supplemental Permit No. 1996-196-SP  
Acceptance of Petroleum Contaminated Soils on a Generic Basis

Dear Ms. Munie:

On behalf of our client, Community Landfill Company, we herein submit a Supplemental Permit Application to accept the following wastes on a Generic Basis:

- 1) Soils generated from Leaking Underground Storage Tank (LUST) sites contaminated with any petroleum products, including petroleum motor fuels, waste oil, heavy fuel oils (#3-#6), etc., which are not RCRA Listed hazardous wastes, and
- 2) Soils generated from Non-LUST sites, e.g., above ground storage tanks, above ground spills, etc. contaminated with any petroleum products, including petroleum motor fuels, waste oil, heavy fuel oils (#3-#6), etc., which are not RCRA Listed hazardous wastes.

Petroleum contaminated soils are typically similar in composition to uncontaminated soil. The composition is usually greater than 90 percent soil, 9 percent water as moisture and less than 1 percent petroleum contamination. The wastes are tested for lead concentration, ignitability, free liquids and other required parameters depending upon the type of petroleum contamination. Standard limits are used for disposal criteria. This type of waste is usually generated on a one-time basis, and a generic permit allows the generator to remove the contamination without having to wait for a specific IEPA permit.

Except for LUST contaminated soils, which are conditionally exempt, these wastes are subject to full hazardous component analysis required by IEPA with standard limits, used for the disposal criteria. Only those waste streams, which are shown to be non-