

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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SEP 07 2000

COMMUNITY LANDFILL COMPANY )  
and CITY OF MORRIS, )

Petitioners, )

vs. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Respondent. )

PCB No. 01-48

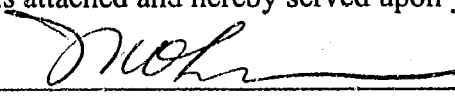
ORIGINAL

STATE OF ILLINOIS  
Pollution Control Board

**NOTICE OF FILING**

TO: Ms. Dorothy Gunn, Clerk, Pollution Control Board, 100 W. Randolph, Suite 11-500,  
Chicago, IL 60601  
Mr. John Kim, Assistant Counsel, Illinois Environmental Protection Agency, 1021 N. Grand  
Avenue East, Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on September 7, 2000, the undersigned filed the original and  
nine copies of NOTICE OF FILING and PERMIT APPEAL AND PETITION FOR HEARING with  
the Office of the Clerk of the Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-  
500, Chicago, Illinois 60601, a copy of which is attached and hereby served upon you.

  
One of the Attorneys for Petitioners, Community  
Landfill Company and the City of Morris

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**THIS FILING IS SUBMITTED ON RECYCLED PAPER.**

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PCB No. 001418

ORIGINAL

**PERMIT APPEAL AND PETITION FOR HEARING**

Petitioners, Community Landfill Company (CLC) and City of Morris, by its attorneys, LaRose & Bosco, 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 certain conditions included in Respondent Illinois Environmental Protection Agency's (IEPA's) issuance of a significant modification application for the Morris Community Landfill under Permit Log No. 2000-155, 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, 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 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 this permit appeal.

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, pursuant to permits and supplemental permits from IEPA and leases and supplemental leases with the City of Morris, has operated Parcel B. Disposal operations at Parcel B ceased in 1996, and closure of the site has begun.

7. A more detailed description of the entire facility is contained in the permit applications and supplement thereto filed in Permit Log Nos. 2000-155 and 2000-156, which are in the Agency's possession and will be filed as a portion of the record in this case. The applications are voluminous in size and represent submittals on May 8, June 5, and July 31, 2000. These submittals include the original multi-volume application, engineering and hydrogeological studies, and engineering designs.

### **Standards Under Which the Permit Was Sought**

8. The significant modification permit application, and all additions and amendments thereto under Permit Log No. 2000-155 (Parcel A) was submitted pursuant to § 39 of the Illinois Environmental Protection Act, and sought to demonstrate compliance with RCRA Subtitle D and the Illinois rules promulgated as R 93-10 and 35 I.A.C. Part 814, Subpart C, pursuant to 35 I.A.C. 814.104((b)).

9. The petitioners believe that the application and additions and amendments thereto demonstrated compliance with the particular standards set forth in paragraph 8, above.

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

#### **Parcel A**

10. The contaminants that the petitioners seek to control with the significant modification application under Permit Log No. 2000-155 include contaminants found in the leachate and the groundwater under Parcel A as a result of many years of historical landfilling operations prior to 1980. These contaminants may include those found in Exhibit 1, attached hereto. These same contaminants may be included in leachate produced since CLC's renewed operation of Parcel A.

11. The petitioners proposed to control these contaminants with the following devices:
- 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).
  - B. Construction of an impervious final cover over the landfill.
  - C. Construction of at least two vertical withdrawal wells to pump leachate and contaminated groundwater from the lower historical fill area.

- D. Construction of a horizontal leachate collector trench to pump leachate from the lower historical fill area.
- E. Two groundwater collection/removal wells, which were previously installed and will be used to collect contaminated groundwater.
- F. The construction of a groundwater collection trench to collect contaminated groundwater as may be needed based upon the performance of the removal wells listed in E, above.
- G. The construction of a 104,200 gallon tank to temporarily hold leachate, groundwater and condensate from Parcels A and B.
- H. The construction of a sewer connection to the City of Morris POTW, which will treat the groundwater, leachate and condensate.
- I. The treatment of the contaminated groundwater at the Morris POTW for 100 years.
- J. Installation of a groundwater monitoring well network consisting of nine (9) monitoring wells to replace the existing network of three (3) monitoring wells.
- K. Installation of 13 gas monitoring probes.

The above list of devices is a representative accounting of the various improvements proposed for the landfill. Additional improvements in devices, monitoring and the post-closure care period were also proposed, are too numerous to set forth here, but will be contained in the application and supplemental submittals to the application, which will be part of the record in this case.

### **The Permit Issuance**

12. On August 4, 2000, the IEPA mailed the permit issued for Parcel A, Permit Log No. 2000-155 to the City of Morris as owner and CLC as operator. The permit issued under Log No. 2000-155 is attached hereto in its entirety and identified as Exhibit 2.

13. Petitioners contest the following conditions contained in the permit under Permit Log No. 2000-155:

- A. That petitioners be restricted from pumping from wells T-2 and T-4 (page 2, Item (1) and Condition VIII-24). These wells have been drilled and are the most effective way to address groundwater at Parcel A;
- B. That petitioners install a 5-day leachate storage system (page 2, item (2) and p. 31, Condition VII-11). Only one day of leachate storage is necessary and appropriate;
- C. That petitioners be restricted from depositing refuse in any unpermitted portion of the landfill (page 5, Condition II-2i). This condition should be amended to reflect the operating plan to place additional waste to achieve the separation's layers invert elevation.
- D. That by February 1, 2001, a construction report be submitted regarding the installation of two vertical wells, horizontal leachate collector, force mains and 5-day leachate storage tank (page 30, Condition VII-7). These matters should not be required to be installed until landfill development continues to allow contemporaneous installation and operation of these devices. For

example, the leachate storage tank is needed to be approved for operation prior to installing leachate collection trench.

- E. That petitioners complete the horizontal groundwater collection interceptor trench by March 1, 2001 (page 41, Condition VIII-23). This matter should not be required to be installed until it is determined the appropriateness of using groundwater removal wells T-2 and T-4;
- F. That groundwater collection trench reporting requirements should be eliminated (page 41, Condition VIII-23). Instead, the use of vertical wells T-2 and T-4 should be approved;
- G. That the requirement to maintain leachate levels within Parcel A below the static groundwater level should be modified (page 42, Condition VIII-27). This addition should be rewritten to clarify that this only applies to the portion of Parcel A below the static groundwater level;
- H. The permit condition requiring respondent to maintain closure and post-closure care financial assurance for 100 years of treatment of groundwater at the site (page 45, Condition X-6). This condition should be eliminated because the City of Morris has agreed to treat the groundwater and leachate at its POTW without charge.

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 September 8, 2000, within 35 days

of August 4, 2000, 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;
3. Following said hearing, reverse the Agency's imposition of various conditions contained in Permit Log No. 2000-155 as specifically identified in paragraph 13, above;
4. Stay various contested conditions during the pendency of this appeal.

Respectfully submitted,

COMMUNITY LANDFILL COMPANY and  
CITY OF MORRIS, Petitioners

By:   
One of Their Attorneys

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