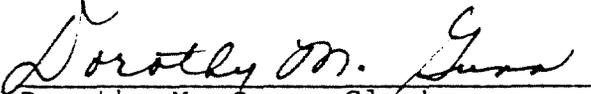


include a copy of the Environmental Protection Act (hereinafter "the Act") in the service on NRDC, as well as a list of the present attorneys of record. NRDC may wish to review Sections 40.1 and 39.2 of that Act, which governs the Board's activity in these review proceedings.

For NRDC's benefit, the Board notes that the instant proceeding involves the siting location approval for a landfill, not its permitting. Permitting of landfills is done by the Illinois Environmental Protection Agency pursuant to the provisions of Title V and Title X of the Act. Those permitting decisions must implement the Board's substantive regulations governing landfills. The Board's substantive regulations governing landfills are presently under review in regulatory proceeding R88-7. If NRDC has comments on statewide regulatory requirements governing the design and operation of landfills, the comments would be best directed to docket R88-7.

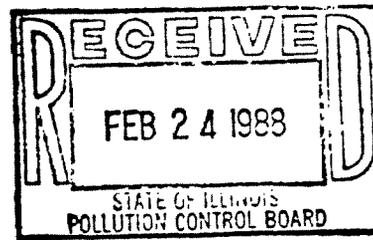
IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of March, 1988, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



NOTE: ATTACHMENTS ARE IN THE CLERK'S FILE



Natural Resources Defense Council

122 East 42nd Street
New York, New York 10018
212 949-0049

February 22, 1988

Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

PCB 88-24

Dear Sirs:

I am a science associate with the Natural Resources Defense Council Inc. ("NRDC"), a national, non-profit environmental organization with a large staff of attorneys and scientists and approximately 70,000 members. In recent years, NRDC has become increasingly involved with solid waste management issues, including efforts at the federal and state levels to upgrade standards for municipal landfills.

It has been brought to NRDC's attention that the Illinois Pollution Control Board is considering the issuance of a permit to Daubs Disposal Service for the construction of a landfill on a 180-acre tract near Boyleston, Illinois. We are alarmed that, to the best of our understanding, the conditions of the permit do not call for liners, leachate collection systems, ground water monitoring and numerous other technologies and programs necessary to prevent environmental contamination hazards. Based on recent studies by the U.S. Environmental Protection Agency (EPA), such a facility could pose a significant environmental and public health hazard, particularly considering its size and siting in an area where the underground aquifer is used as a source of drinking water.

Municipal landfills, the vast majority unlined and lacking leachate collection systems¹, constitute over twenty percent of the facilities on the federal Superfund National Priorities List (NPL). Another 2000 landfills, over twice the number of total facilities on the current list, meet the criteria for inclusion on the NPL. The Environmental Protection Agency (EPA) has found that 2,271 out of 9,284 municipal landfills, or approximately one-quarter, had recorded violations involving releases to

1. Resource Conservation and Recovery Act Subtitle D Report to Congress, Final Draft, May 28, 1987, U.S. EPA, Office of Solid Wastes Branch, 4-43.

environmental media.² Of the only 2,331 facilities with even rudimentary ground water monitoring programs, 586, or one-quarter, had ground water contamination violations.³ The number of violations would undoubtedly be significantly higher if frequent and comprehensive inspections or adequate monitoring programs were the norm (for example, few current ground water monitoring programs can detect organics). EPA has estimated that "Depending on what assumptions are used, the percentage of landfills posing risks greater than the 10^{-6} ranges from 17% to 40%."⁴ Greater than 10^{-6} population risks are generally of Agency concern.

Both EPA and a number of states have realized the urgent need to upgrade permitting standards. EPA has developed a comprehensive regulatory package to be proposed this spring that will to revise federal criteria for municipal landfills. When finalized, these will be, by federal law, minimum standards for state permitting programs. I have attached a recent draft of the proposed rulemaking. The package includes siting restrictions and requirements for ground water and air monitoring, liquids management, containment technologies (liners, leachate collection systems, covers, run-on/run-off controls), and financial responsibility. I should add that the current EPA proposals are a watered-down version of earlier, far stronger proposals from EPA working groups (see attachment for a more detailed discussion of the development of the EPA regulations). A number of states, including New Jersey, New York, and Pennsylvania, have significantly stronger requirements than EPA is proposing. For example, Pennsylvania requires double liners/double leachate collection systems for all new facilities and will prohibit siting of both new and existing facilities within eight feet of the water table. I have enclosed a copy of Pennsylvania's finalized regulations.

On behalf of our members in Illinois, NRDC respectfully requests that the State of Illinois reconsider its standards for permitting municipal landfills, in both the case of the Boyleston site and all future landfill permits in the state. We urge the State not to wait until EPA finalizes their regulations as the Boyleston site, if constructed under current standards, clearly

2. Resource Conservation and Recovery Act Subtitle D Report to Congress, Final Draft, May 28, 1987, U.S. EPA, Office of Solid Wastes Branch, 4-75.

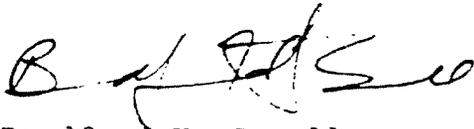
3. Resource Conservation and Recovery Act Subtitle D Report to Congress, Final Draft, May 28, 1987, U.S. EPA, Office of Solid Wastes Branch, 4-75.

4. From June version of draft of EPA report to Congress on Subtitle D, as reported in Inside EPA, July 3, 1987, p.12.

poses a significant risk to water resources and the health and welfare of the citizens in the surrounding community. Other states, such as Pennsylvania and New York, upgraded their permit standards in practice long before finalizing changes through a rulemaking, prompted by an increasing awareness of the hazards we have described in this letter.

Please call or write if you have any questions. Thank you for your consideration of our concerns. I hope they will be of assistance in your decision-making.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bradford H. Sewell', written in a cursive style.

Bradford H. Sewell
Science Associate

cc: Mr. Robert Redford
Ms. Eleanor R. Morris, People Against Landfill Sites (PALS)
Rick Moore, PALS
Thomas L Kilbride
Leon S. Hosselton, Chairman, Wayne County Board

enc.