

ILLINOIS POLLUTION CONTROL BOARD
April 19, 1971

UNIVERSAL LAND RECLAMATION AND)
DEVELOPMENT CORPORATION, an)
Illinois corporation)
v.) #PCB71-71
ENVIRONMENTAL PROTECTION)
AGENCY)

OPINION OF THE BOARD (BY MR. LAWTON):

Universal Land Reclamation and Development Corporation, an Illinois corporation, Petitioner, filed a document captioned "Variance Petition" asserting that by virtue of a lease entered into between it and the Department of Public Works and Buildings of the State of Illinois, on October 22, 1969, for a two-year term beginning November 1, 1969, Petitioner had leased a portion of the Illinois and Michigan Canal 1 mile in length and 270 feet wide, which lease permits Petitioner to "use and occupy said premises for industrial land fill operation" subject to various terms and conditions.

The use of the premises for the burning of refuse, junkyard, deposition of garbage or sewage or from any other unsanitary, unsavory, unhealthful purposes of any kind or nature, is expressly prohibited. Provision is made requiring transfer of drainage from the I. & M. Canal to the Chicago Sanitary and Ship Canal prior to the placing of any fill in the I. & M. Canal. The petition sets out Rule 5.11 of the Rules and Regulations of the State of Illinois relative to refuse disposal sites and facilities which provide that certain materials may be deposited in a sanitary landfill by open dumping, subject to provision for leveling, spread and cover.

Petitioner further states that it will deposit upon the property only non-combustible, non-putrescible materials resulting from demolition operations and that no garbage or sewage or other "unsanitary, unsavory or putrescible material will be deposited on the leased premises".

Petitioner, in a letter to the Environmental Protection Agency dated December 9, 1970, asked the Agency to certify that "water quality standards will not be violated if the discharge contemplated is permitted" as a consequence of the transfer of drainage from the

I. & M. Canal to the Chicago Sanitary and Ship Canal pursuant to plans submitted, to which the Environmental Protection Agency responded "discharge of the above-described flows to the canal would not be in violation of current water quality standards," and that if Petitioner was to use the site for an "industrial landfill operation" a permit for such operation must be procured from the Agency.

Petitioner next states that it will not use the site as a "landfill operation", that only demolition materials will be dumped on the site and that Petitioner has adopted a procedure for pumping water from the dump site thereby assuring that the dumping will be in a dry hole and water seepage will not pollute surrounding areas. Petitioner concludes that its operation will not contaminate the land, air or waters of the State and that compliance with the Environmental Protection Act and Rules and Regulations of the State for landfill operation should not be required "in view of Rule 5.11 of said Rules and Regulations". Petitioner prays that the Environmental Protection Agency investigate the petition and make a recommendation to the Pollution Control Board that the variance should be granted.

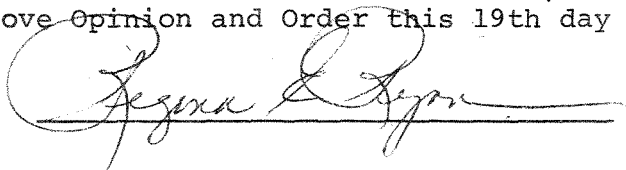
We dismiss the petition for variance, principally because it is not clear from the petition precisely what Petitioner is seeking. A reading of the petition suggests that Petitioner may be seeking a landfill permit or, alternatively, a declaratory ruling that it does not need a landfill permit. If Petitioner is seeking a variance, it is not clear what provisions of the landfill regulations it is incapable of meeting, and why such provisions cannot be met. Denial of this petition is without prejudice to the Petitioner's right to file a new petition, setting forth precisely what it seeks, what provisions of the regulations it proposed to be relieved from and the reasons why such variance is needed.

If, in fact, Petitioner is seeking the issuance of a permit, the granting of a permit is within the jurisdiction of the Environmental Protection Agency and Petitioner's efforts should be addressed to the Agency in the first instance.

IT IS THE ORDER of the Board that the variance petition be dismissed.

This Opinion constitutes the Board's findings of fact, conclusions of law and Order.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 19th day of April, 1971.

A handwritten signature in cursive script, appearing to read "Regina E. Ryan", is written over a horizontal line.