

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1989

CITY OF CENTRALIA,)
)
) Petitioner,)
)
) v.) PCB 89-172
)
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a recommendation filed by the Illinois Environmental Protection Agency ("Agency") on October 31, 1989 recommending that the Board grant a 45-day provisional variance to the City of Centralia. Centralia requests this variance from 35 Ill. Adm. Code 807.201 and 807.202 to allow time for application for a permit to operate a temporary transfer station. The Board granted a prior provisional variance from these rules on September 13, 1989 until October 28, 1989.

Centralia has stated that on August 25, 1989, the regional landfill located just outside Centralia was closed by representatives of the Agency and the Illinois Attorney General's Office, forcing the City to haul its residential solid waste to the Perry County landfill near DuQuoin, Illinois. Although the Centralia landfill has since reopened, Centralia is still hauling its solid waste to Perry County so as to avoid being involved in the dispute between the State Agencies and the owner of the Centralia landfill. A round trip to the Perry County landfill is approximately 100 miles. According to the Agency, the increased hauling effort is straining the city's capacity to maintain the collection of residential solid waste.

Centralia seeks this provisional variance to enable them to operate a non-regional transfer station wherein the residential solid waste collected by City crews would be transferred from the collection vehicles to an over-the-road truck and trailer. The area and population would be that contained within the City limits of Centralia. That area consists of approximately 6.25 sq. miles and 15,217 people. Centralia collects approximately 400 cubic yards of residential solid waste per week.

Centralia has stated that obtaining the requested provisional variance would allow time to submit an application for a permit to operate a temporary transfer station until a final determination is made concerning the Centralia landfill. If the landfill is permanently closed, plans would probably be

made to open a regional transfer station at a location more suitable and that complies with IEPA regulations.

Centralia has stated that denial of its provisional variance petition would create an arbitrary and unreasonable hardship for the city of Centralia. The city has three garbage trucks. The Agency states that the additional miles driven to DuQuoin has altered scheduled collection routes and place an unusual hardship upon the vehicles. Centralia fears frequent and serious mechanical failures can be expected. The Agency states that no other provisional variances have been granted to the city of Centralia within the calendar year and that there are no federal laws which would preclude the granting of this provisional variance.

The Board having received notification from the Agency that compliance on a short term basis with 35 Ill. Adm. Code 807.201 and 807.202 would impose an arbitrary or unreasonable hardship upon Centralia, and the Board concurring in that notification, will grant Centralia's provisional variance, subject to the conditions suggested by the Agency.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The City of Centralia is hereby granted provisional variance from 35 Ill. Adm. Code 807.201 and 807.202, subject to the following conditions:

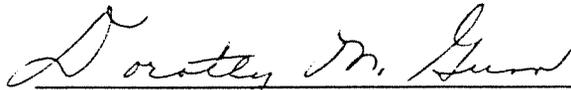
- a) Variance shall commence on November 2, 1989 and continue for 45 days, until December 17, 1989.
- b) During the period of this variance, Centralia shall submit an application to the Agency for a permit to operate a temporary transfer station.
- c) Centralia shall contain litter within the twelve (12) foot high chain link fence around the transfer area. Additional employees shall be available to pick up litter on an as-needed basis. Daily supervision shall be provided by the City's Public Works Director and City Manager. Odor will be controlled by daily spraying of a sanitizing solution.
- d) The area and population shall be that contained within the City limits of Centralia, an area approximately 6.25 square miles and 15,217 people.
- e) Concrete bunkers located at Centralia's maintenance yards at 114 E. 5th shall be used as the off-loading staging area.

- f) The residential solid waste shall be off-loaded from Centralia's collection trucks and loaded onto an over-the-road truck and trailer and transported to an Agency permitted landfill. The trailer shall be provided with a cover to prevent waste from blowing out during transport.
- g) No waste shall be allowed to remain overnight in any concrete bunker. Full trailers shall be taken to the landfill daily and not allowed to remain at the site overnight. Partially loaded trailers may remain overnight within the fenced-in area until fully loaded the next day. Full or partially loaded trailers shall not remain at the site over weekends or holidays.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 ch. 111 $\frac{1}{2}$ par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 2nd day of November, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board