

ILLINOIS POLLUTION CONTROL BOARD
June 7, 1973

CENTRALIA ENGINEERING AND)
MACHINE CORPORATION)
) #73-119
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Petitioner owns property on which an abandoned mine shaft is located. On September 1, 1971, the Agency issued a permit to petitioner allowing for the shaft in question and an additional one not the subject of this proceeding, to be used jointly as a solid waste disposal site, subject to the standard conditions including the limitation that the authority granted by the permit allowed disposal only of non-combustible and non-putrescible refuse.

The site was used for disposal of concrete refuse material. Petitioner appears to have complied with the provisions of the permit. However, at the present time, concrete refuse has been piled above grade between ten feet and fifteen feet. Petitioner seeks to be relieved of the daily and final compacting and covering requirements contained in Rule 5.07(a) and (b) of the Rules and Regulations For Refuse Disposal Sites and Facilities.

Agency Exhibit 1 depicts the present condition of the site. Except for the rather unsightly visual attributes, there does not seem to be any significant environmental danger likely to result from leaving the concrete refuse uncovered. While petitioner suggests the possibility that the refuse may settle in the shaft and ultimately, be lowered to a point where cover is feasible, the evidence of settling, both in the shaft in question and the other one previously used and covered, does not indicate the likelihood that significant settling will occur in the immediate future.

We believe that petitioner should take steps to bring its operation into compliance with the relevant regulations, either by breaking up the concrete to enable its accommodation by the shaft or removal of that presently above grade, or a combination of both.

We will grant petitioner a one-year variance from the provisions of the Rules and Regulations for Refuse Disposal Sites and Facilities in order to develop a program to achieve this result. Prior

to November 7, 1973, petitioner is directed to submit to the Agency and the Board, its program to achieve compliance with the relevant Regulations.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board that:

1. Centralia Engineering and Machine Corporation be granted a variance until June 7, 1974 from Section 507(a) and (b) of the Rules and Regulations for Refuse Disposal Sites and Facilities, with respect to cover and compacting of its mine shaft property constituting the subject matter of this proceeding. Petitioner shall take all necessary steps to assure that adequate fencing is erected to prevent the site from becoming an attractive nuisance or source of danger.
2. Petitioner will report to the Agency and the Board no later than November 7, 1973, its program to achieve compliance with the foregoing Regulations.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 7th day of June, 1973, by a vote of 4 to 0.