

ILLINOIS POLLUTION CONTROL BOARD
November 22, 1974

CITY OF GENESEO)
)
)
 v.) PCB 74-309
)
 ENVIRONMENTAL PROTECTION AGENCY)
)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

This is a petition for a variance filed with the Environmental Protection Agency (hereinafter Agency) on August 20, 1974 by the City of Geneseo (hereinafter Petitioner). The petitioner seeks relief from Rule 202(b) of Chapter 7.

Specifically, Petitioner seeks permission to continue operation of its sanitary landfill without first obtaining a permit as required by Chapter 7 for a period of time not to exceed 180 days.

Petitioner previously filed a petition for variance which was received by the Agency on March 8, 1974. In an Order dated March 7, 1974, the Pollution Control Board requested additional information. When that information was not received by May 29, 1974, the Board dismissed the petition (PCB 74-86).

Petitioner owns and operates a sanitary landfill of 68.13 acres located north of the City. Petitioner alleges that a private contractor has exclusive rights to the collection of refuse from those residents who desire it, which approximates two-thirds of the population. The refuse collected from this two-thirds of the population is disposed of at the Atkinson landfill. The City of Geneseo has a population of 5,840. Petitioner's site, therefore, presently serves a population of 1,950. The site has anticipated maximum life expectancy of about five years. Equipment presently used in operating the site consists of one rubber tire endloader for earth moving and compacting purposes and also a dragline.

A recent Agency inspection of Petitioner's site disclosed that the site was operating at the time, and that it was operating in general compliance with the Environmental Protection Act (Act) and Chapter 7. The uploading area consisted of a trench excavated on the northwest side of the site. The trench was about 50 feet wide and about 30 feet long. Refuse was being deposited on the one end of the trench and pushed in with the Case Endloader.

The face of the fill consisted of the entire 15-foot depth of the trench and was extremely steep. It was suggested that the angle of slope be cut down as per the Rules and Regulations and this would permit more easier and efficient covering operations. The operator insisted that he is able to get the full 6 inches of daily cover over the entire face of the fill. He also reported that the sand sets and compacts very well. In testing the previous days operational area, it was noted that the areas were hard and appeared to be well compacted and were relatively smooth. The old area with inadequate cover was also discussed. This area consisted of approximately 1,500 square feet of surface area located about 250 feet south of the present unloading area. It was reported by the Agency's inspectors that this area would be recovered in the very near future.

The Agency acknowledges that it has received no adverse comments from City residents regarding the granting of the requested variance. In fact, the one letter received indicated that the landfill was, in the writer's opinion, well operated. Those persons contacted by the Agency also indicated that they had no complaints regarding the operations and no objection to the granting of the variance.

Petitioner alleges that 700 households, or 2,000 people presently handle their own refuse by taking it to the City landfill, and this contributing population will generate about 60 cubic yards of refuse per week. The Agency believes the site is presently accepting an average of 150 cubic yards of refuse per week. Petitioner alleges that all refuse accepted at the site is strictly residential garbage and some landscape waste from periodic City cleanup operations.

Petitioner alleges that under the above-proposed usage, the present landfill site would have a maximum life expectancy of less than five years. Petitioner further alleges that because of this expected life expectancy it would be economically advantageous for the City to acquire a new site rather than use the present site until exhausted.

Petitioner further alleges that although no exact figures are available at this time, indications are that the new landfill will reduce the future cost of refuse disposal to City residents by approximately twenty-five percent (25%). This figure is based on the bid by a contractor for hauling the refuse to the Atkinson landfill (some 24 miles roundtrip). It should be pointed out that the City owns 68.13 acres of land at the present site which, when sold, will greatly offset City expense in acquiring new sites.

The Agency counters by stating that two-thirds of the City's residents are presently served by a contractor. This contractor is Little's Disposal Service, which hauls to the Atkinson landfill where he is charged \$1.40/cubic yard for refuse disposal. No allegations

have been made that the remaining one-third of the City residents could not make similar arrangements for refuse collection nor that these arrangements would impose an economic hardship, since two-thirds of the residents presently use this refuse collection service.

Petitioner alleges that it has been diligently but unsuccessfully working to obtain a new site which can be developed and operated to conform with the Act and the Regulations. Petitioner further alleges that it has investigated nine possible sites, each proving unsatisfactory after initial exploratory testing. However, Petitioner has not indicated when this search for a new site commenced and why it could not have been completed earlier. Rule 202 gave existing landfills one year in which to obtain a permit. The Agency has given ample notice to all operators in the State that compliance with the permit requirement must be obtained by July 27, 1974. The Agency believes that Petitioner has not adequately explained why compliance with Rule 202(b) could not be achieved by the required deadline.

Finally, Petitioner alleges that the Agency ordered its landfill closed effective July 27, 1974. The Agency believes Petitioner means that the Agency notified Petitioner of the permit requirement deadline and that continued operation without a permit after that date would constitute a violation of Rule 202(b) of Chapter 3. Petitioner requests an extension of 180 days for location, design and construction of a new site. The Agency interprets this to mean a request for a 180 day variance from the July 27, 1974 deadline date, or until January 23, 1975, for operation of the present landfill. The Agency believes that if a variance should be granted, it should only be granted until January 23, 1975, and should be subject to certain conditions.

However, the Agency does not believe Petitioner has carried its burden in proving the requisite hardship to justify the granting of a variance.

The Board feels, however, to deny this variance would work a hardship on those people who rely on the present refuse disposal site.

We will therefore grant a variance with certain conditions.

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

IT IS THE ORDER of the Pollution Control Board that:

1. The variance be granted from July 27, 1974 to January 23, 1975 from Rule 202(b) of Chapter 7.
2. That during the period of the variance, only residential garbage and landscape waste (and no commercial or industrial refuse) be accepted at the site.
3. That within 30 days of the Board's Order, Petitioner report to the Agency the progress made in acquiring a new site and a time schedule for design and construction of the site.
4. That within 45 days of the Board's Order, Petitioner present to the Agency a plan for closure and final covering of its present site.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22nd day of November, 1974 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board