

ILLINOIS POLLUTION CONTROL BOARD

December 6, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 71-243
)
 HARRY A. CARLSON,)
)
 Respondent.)

ORDER ALLOWING EXTENSION OF TIME (by Mr. Henss)

On September 26, 1972, pursuant to Stipulation of the parties, this Board ordered Harry A. Carlson to redesign his landfill (located near Palos Hills, Illinois) by changing the slope of the land and by covering completed portions of the landfill with 2 foot compacted layers of impermeable clay capped with a 1 foot layer of humus material to support vegetation. The Stipulation provided that Respondent would complete this work by "the Fall of 1973" and the Board specified that it should be completed by September 26, 1973. Respondent now requests an extension of time to complete the work.

The Environmental Protection Agency recommends a six month extension, stating that the original estimate of time needed for the project was too short. The Agency further states that "Carlson's Motion for an Extension of Time to comply with a Board Order does not amount to a variance petition and therefore does not require meeting the procedural prerequisites for variances. Said Motion addresses no substantive provision of the Act or consequent Rules and Regulations which will be contravened by Carlson's continued operations". The Agency states that Carlson has made reasonable progress in fulfilling the requirements of the original Stipulation and settlement. We will, therefore, allow the extension, subject, however, to certain conditions which have been suggested by the Agency and have been agreed to by the respondent.

ORDER

Respondent shall be allowed to continue to accept refuse for disposal at his landfill site until May 31, 1974. By July 31, 1974 Carlson shall have completed the application of final cover over the entire site, and shall have completed the regrading of the drainage ditch on the north and northwest margins of the landfill to original grades. Furthermore, such extension of time is subject to the following conditions:

a) The finished grade of the site shall conform to the requirements established by Exhibit "A" of the Board proceedings and adopted by the Board's Order of September 26, 1972. In this respect, refuse shall not be placed to an elevation which precludes the top of the final earthen cover material being the final grade.

b) Final grading shall be effected so that site surface drainage will be directed off the site, thus minimizing percolation into the covered refuse.

c) On a monthly basis samples from the following wells shall be analyzed and reports shall be submitted to the Agency during the extension of time. Samples from:

(1) Wells 60 and 62 are to be analyzed for: NH_3 , As, Ba, B, Cd, COD, Cl, Cr(TOT), Cr^{+6} , Cu, CN, DO, F, Fe, Pb, Mn, Hg, Ni, pH, R.O.E. (180° C.), Se, SO_4 , Zn and hardness as CaCO_3 .

(2) Wells 58, 2-71, 3-71, 5-71, 6-71, 7-71 are to be analyzed for: NH_3 , COD, Cl, Fe, Hg, Pb, pH, R.O.E. (180° C.), and SO_4 .

d) Harry A. Carlson shall institute proper measures to assure that roads on the site are adequate to allow orderly operations within the site. Working areas within the site shall be maintained so that operations are not impeded during wet weather or wet conditions, and adequate measures shall be instituted so as to minimize mud tracking problems on nearby streets and highways.

e) Harry A. Carlson shall within fifteen days of the date of this Order post with the Agency a bond or other security satisfactory to the Agency in the amount of \$10,000. Said bond or other security shall be forfeited to the State of Illinois in the event that Respondent

fails to redesign the landfill and apply cover in the manner specified within the time allotted by Board Order.

f) Harry A. Carlson shall be released from the bond previously posted with the Agency, which bond was posted in accordance with Point 7 of the Order adopted on September 26, 1972, PCB 71-243.

g) Respondent shall comply with all other portions of Board Order 71-243 adopted September 26, 1972, all applicable provisions of the Environmental Protection Act and the rules and regulations promulgated thereunder.

Mr. Marder abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 6th day of December, 1973 by a vote of 3 to 0.

Christan L. Moffett