

ILLINOIS POLLUTION CONTROL BOARD
December 11, 1975

CLARENCE O. NELSON,)
) Petitioner,)
))
))
) v.) PCB 75-296
))
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
) Respondent.)

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

This matter comes before the Pollution Control Board (Board) upon the July 28, 1975, Petition of Clarence O. Nelson (Nelson) and its amendment dated September 18, 1975, for variance from Rules 201 and 202 of the Solid Waste Regulations. Petitioner seeks to operate without a development or operating permit for the period of one year in order to close the landfill in an environmentally sound manner and at the least expense possible. Nelson was the subject of an Environmental Protection Agency (Agency) enforcement action for operating without a permit in PCB 74-476. Petitioner, in that action, was ordered to obtain an operating permit by October 4, 1975. An Agency Recommendation was received 135 days after the petition was filed and the day before this decision was due.

Nelson has submitted a closing plan prepared by a professional engineer and prior manager of the Agency's Division of Land Pollution Control. This plan alleges (p. 9) that the cost of reclamation using earth materials would be \$66,000, a sum greater than the value of the land after reclamation. In addition, it is alleged that the cost to surrounding communities would be in excess of \$25,000.00 for transportation to a new landfill.

It is alleged that the closing plan suggested by Petitioner would have the following results:

- 1) reducing the amount of moisture entering the refuse to a minimum;
- 2) regrading the slopes to prevent erosion;
- 3) allowing the site to be placed into productive use as pasture or cropland.

The landfill is located within the West 1/2 of Section 8, Township 37N, Range 7E of the 3rd P.M., Kendall County, Illinois. The landfill serves Yorkville, Plano, Sandwich, and Oswego which collectively have a population of about 15,000 people.

In order to properly close the landfill, Nelson must recontour the upper surface of the landfill which is currently plateau-like. The recontouring would shape a 3 to 5% grade in order to encourage runoff and retard infiltration leachate formation (pp.4-5). An 800 foot portion of the south slope would be regraded to reduce the slope to a maximum 4 to 1 and thereby reduce erosion of the cover material. By using refuse for the grading and recontouring, the total volume of fill material necessary to be removed from surrounding farmland would be reduced from 38,000 to 7600 cubic yards (pp.5-6).

The "Closing Plan" and its September 18, 1975, Amendment, thereto, are herewith incorporated by reference as though fully set forth herein. In chronological order, Petitioner proposes to effect proper closing by:

- 1) Completing the preparation of the south branch of the landfill;
- 2) Sample and analyze the stream known as Rob Roy Creek quarterly, said sampling to continue for a period of one year after closing of the site;
- 3) A minimum of two feet of brown silty clay will be applied when final elevations are reached. A final layer of a minimum of six inches of organic topsoil will be placed above the clay;
- 4) Revegetation of the site will occur after completion of each fill area as weather permits;
- 5) A stockpile of earth materials will be contained with necessary equipment, material and personnel to repair any settlement occurring within one year after the landfill is closed.

The Board finds the closing plan to be adequate to protect the environment and is accepted subject to certain modifications stated in the Order. In granting this variance, the Board does so, not so much to prevent hardship to Petitioner, but to protect the health of and prevent hardship to the surrounding communities.

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

ORDER

It is the Order of the Pollution Control Board that:

- a) Clarence O. Nelson be and is, hereby, granted variance from Rules 201 and 202 of the Solid Waste Regulations for the sanitary landfill described in the above Opinion, said variance to expire on June 11, 1976; and
- b) Petitioner Nelson shall cease and desist from operating a sanitary landfill at said site on or before June 11, 1976; and
- c) Petitioner Nelson shall close said site in accordance with the closing proposal incorporated by reference herein; and
- d) Petitioner Nelson shall send monthly progress reports to the Agency and the Board; and
- e) Petitioner Nelson shall submit analysis of the water quality of Rob Roy Creek and monitoring of well MW-A for chlorides, iron, and total dissolved solids at a point between 200 and 300 feet downstream from the most southerly extension of the landfill, to the Board and the Agency every three months until three years after the closing of said landfill is effected; and
- f) Petitioner Nelson shall comply with all portions of the Solid Waste Regulations except those from which variance is granted in this Order; and
- g) Petitioner Nelson shall accept only general and commercial refuse and no liquid and/or hazardous wastes; and
- h) Petitioner Nelson is hereby granted variance from the paragraph "a" of the Order in PCB 74-476; and
- i) Petitioner Nelson shall post a performance bond of Fifteen Thousand Dollars (\$15,000.00) with the Illinois Environmental Protection Agency, in a form satisfactory to that Agency, to guarantee proper closure of the site contemplated in the accompanying Opinion. Five Thousand Dollars (\$5,000) of said bond shall guarantee performance of the conditions in subsection "e" of this Order and will not be released until three years after closing of the site. Such bond shall be posted within 30 days of the date of this Order, at the following address:

Environmental Protection Agency
Control Program Coordinator
2200 Churchill Road
Springfield, Illinois 62706

j) Within 30 days of the adoption of this Order, the Petitioner shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and agreement to be bound to all terms and conditions of this Order. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 75-296 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

Signed _____

Title _____

Date _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11th day of December, 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board