

ILLINOIS POLLUTION CONTROL BOARD
December 9, 1971

CITY OF DANVILLE)
)
) #71-282
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

MR. LARRY LESSEN, ATTORNEY FOR PETITIONER, CITY OF DANVILLE
MR. FREDERICK HOPPER, ASSISTANT ATTORNEY GENERAL, ATTORNEY FOR
ENVIRONMENTAL PROTECTION AGENCY

OPINION OF THE BOARD (BY MR. LAWTON):

The City of Danville filed a petition for variance received by the Board on September 16, 1971, requesting to be relieved of the provisions of the Environmental Protection Act and the Rules and Regulations relating to landfill operations, for a six-month period, in order to bring its existing landfill operation into compliance.

We entered an Order on September 27, 1971, authorizing a hearing and directed that the petition be amended to specify what provisions of the law Danville thought imposed an unreasonable hardship, and the reasons therefore. We noted that the Board cannot grant a blanket exemption from all laws.

On November 12, 1971, an amended petition was filed stating that the City owns a 56-acre tract in the unincorporated area of Vermilion County, of which 31 acres have been used by it for landfill operations. The petition further alleges that upon notice from the Environmental Protection Agency that the landfill did not meet legal requirements, the City ceased operation of the landfill site and shortly thereafter, entered into a contract with H & L Disposal Company, pursuant to which H & L Disposal Company would develop a new landfill operation on fifteen acres of the 56-acre tract not previously used and would simultaneously take the necessary steps to close out and cover the pre-existing landfill site so as to bring it into compliance with the relevant provisions of the law.

The petition states that the above-described combined operation will take six months to bring the old site into compliance. Immediate close-out and covering of the old 31-acre site would cost \$89,000.00, whereas the program contemplated by the H & L Disposal Company contract would be accomplished without any additional cost to the City. The

petition again requests a six-month variation to close out and cover the 31 acres site and bring it into compliance with the Act and Regulations.

The recommendation of the Environmental Protection Agency confirms that the old refuse site was closed on April 23, 1971 and that most of the refuse on the site has been spread and compacted but has not been adequately covered. The recommendation further notes that drainage on the site has been inadequate and leachate flows from the site toward the Vermilion River. The Agency recommends that the variance be granted providing that covering be initiated immediately and pursued diligently until final completion.

Hearing was held on the petition and recommendation on November 15, 1971. The testimony and evidence supported the essential allegations of the petition. H & L Disposal Company would use the new 15-acre site for landfill operations. Dirt removed upon the digging of trenches in this location would be used for cover at the old site. Two feet of dirt would be emplaced to provide cover (R.12,13.). The record supports the Agency's allegation that leachate has emanated from the southeast corner of the old landfill area which ultimately enters the Vermilion River (R.24). (Environmental Protection Agency Exhibits No. 1-4). While some effort has been made to control this condition, the leaching continues to the present time. At the close of the hearing, counsel for the Agency proposed that its recommendation of allowance be modified to require that adequate covering be placed on those portions of the southeast corner of the old tract so as to preclude further leaching within thirty days from the granting of the variance. We find this a reasonable proposal and will incorporate it in our variance order hereinafter set forth.

The program proposed by the city is a reasonable one and will eliminate an unsatisfactory condition. The time schedule requested for compliance is not overly long. Insistence on immediate compliance would impose a hardship on the City disproportionate with the burdens on the community in having the uncovered condition of the old site continue for a six-month period.

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

IT IS THE ORDER of the Pollution Control Board that the City of Danville be granted a variance from the Rules and Regulations for Refuse Disposal Sites and Facilities with regard to its old landfill site located in Vermilion County until June 9, 1972, subject to the following terms and conditions:

1. The old landfill site will not be used for any new garbage or refuse disposal;
2. Two feet of cover shall be emplaced over all uncovered portions of the tract so as to bring the site into compliance with the Rules and Regulations for Refuse Disposal Sites and Facilities by June 9, 1972;
3. On or before January 9, 1972, the City of Danville shall cause all necessary steps to be taken to prevent any further leaching from the southeast corner of the old landfill site. Inspection shall be made by the Environmental Protection Agency no later than January 20, 1972 to determine that this provision has been complied with and that all leachate emissions have terminated;
4. The operation of the new landfill site to be operated by H & L Disposal Company shall comply with all relevant provisions of the Environmental Protection Act and the Rules and Regulations for Refuse Disposal Sites and Facilities.

I, Christan L. Moffett, Acting Clerk of the Pollution Control Board, certify that the above Opinion was adopted on the 9 day of December, 1971.



