

ILLINOIS POLLUTION CONTROL BOARD
March 7, 1974

CITY OF SALEM

v.

ENVIRONMENTAL PROTECTION AGENCY

PCB 73-519

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

The City of Salem (Salem) filed a variance petition on December 10, 1973 seeking a variance from a previous Pollution Control Board Order requiring Salem to apply final cover to a municipal landfill by March 6, 1973 and from Rule 305(c) of the Solid Waste Rules and Regulations. The Agency filed a Recommendation on February 4, 1974 recommending that the variance be granted subject to four conditions. On February 6, 1974, Salem filed a Response to the Agency's Recommendation and moved to incorporate the four Agency proposed requirements into its original variance request.

The landfill which is the subject of this variance request consist of approximately 18 acres located 2 miles northeast of the City of Salem, Illinois. As a result of an enforcement action filed by the Agency against Salem, EPA v. City of Salem and Thomas Arnold, PCB 72-2, Salem was ordered to cease and desist from violations of the Act and Refuse Disposal Rules and Regulations, abandon and close the landfill site until necessary Agency permits were received, apply final cover within six months from September 6, 1972, and pay a \$250 penalty. Salem has closed the site and has paid the penalty. The Agency states that Salem has applied approximately 30% of the final cover.

The Agency recommended and Salem agreed to a deadline of June 1, 1974 for completing final cover application, grading and seeding of the site. Salem alleges that to force immediate compliance would cost the City an additional \$2,200.

The Agency agrees with Salem that no public objections have been received and that the landfill does not constitute an odor or water pollution problem. Salem has agreed to apply the final cover by June 1, 1974 and remove aesthetically objectionable construction and metallic waste from the landfill site.

The Board finds that a 3-1/2 month compliance program is reasonable and therefore grants Salem the variance.

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

ORDER

The Illinois Pollution Control Board hereby grants the City of Salem a variance from Order #2 of EPA v. City of Salem and Thomas Arnold, PCB 72-2, September 6, 1972; and a variance from Rule 305(c) of Chapter 7: Solid Waste Rules and Regulations until June 1, 1974 subject to the following conditions:

1. Within 45 days of the date of this Order, Petitioner shall accumulate an additional 1,000 cubic yards of cover material at the landfill site and either emplace or stockpile said cover material depending on weather conditions.
2. Petitioner shall transmit written performance reports to the Agency at 30 day intervals specifying the amount of progress made during the preceding 30 day period.
3. Petitioner shall complete the application of final cover, grading to minimize precipitation infiltration and seeding of the site before June 1, 1974.
4. Within 30 days of the date of this Order, Petitioner shall post a surety performance bond with the Agency in the amount of \$4,000 to guarantee performance and all provisions of this Board Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 7th day of March, 1974 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board