

ILLINOIS POLLUTION CONTROL BOARD
September 13, 1989

CITY OF CENTRALIA,)
)
 Petitioner,)
)
 v.) PCB 89-144
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a recommendation filed by the Illinois Environmental Protection Agency ("Agency") on September 11, 1989 recommending that the Board grant a 45-day provisional variance to the City of Centralia. Centralia requests this variance from 35 Ill. Adm. Code 807.201 and 807.202 to allow time for application for a permit to operate a temporary transfer station.

Centralia has stated that on August 25, 1989, the regional landfill located just outside Centralia was closed by representatives of the Agency and the Illinois Attorney General's Office, forcing the City to haul its residential solid waste to the Perry County landfill near DuQuoin, Illinois. Although the Centralia landfill has since reopened, Centralia is still hauling its solid waste to Perry County so as to avoid being involved in the dispute between the State Agencies and the owner of the Centralia landfill. A round trip to the Perry County landfill is approximately 100 miles. According to the Agency, the increased hauling effort is straining the city's capacity to maintain the collection of residential solid waste.

Centralia seeks this provisional variance to enable them to operate a non-regional transfer station wherein the residential solid waste collected by City crews would be transferred from the collection vehicles to an over-the-road truck and trailer. The area and population would be that contained within the City limits of Centralia. That area consists of approximately 6.25 sq. miles and 15,217 people. Centralia collects approximately 400 cubic yards of residential solid waste per week.

Centralia has stated that obtaining the requested provisional variance would allow time to submit an application for a permit to operate a temporary transfer station until a final determination is made concerning the Centralia landfill. If the landfill is permanently closed, plans would probably be made to open a regional transfer station at a location more suitable and that complies with IEPA regulations.

Centralia has stated that denial of its provisional variance petition would create an arbitrary and unreasonable hardship for the city of Centralia. The city has three garbage trucks. The Agency states that the additional miles driven to DuQuoin has altered scheduled collection routes and place an unusual hardship upon the vehicles. Centralia fears frequent and serious mechanical failures can be expected. The Agency states that no other provisional variances have been granted to the city of Centralia within the calendar year and that there are no federal laws which would preclude the granting of this provisional variance.

The Board having received notification from the Agency that compliance on a short term basis with 35 Ill. Adm. Code 807.201 and 807.202 would impose an arbitrary or unreasonable hardship upon Centralia, and the Board concurring in that notification, will grant Centralia's provisional variance, subject to the conditions suggested by the Agency.

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

ORDER

1. The City of Centralia is hereby granted provisional variance from 35 Ill. Adm. Code 807.201 and 807.202, subject to the following conditions:

- a) Variance shall commence on September 13, 1989 and continue for 45 days, until October 28, 1989.
- b) During the period of this variance, Centralia shall submit an application to the Agency for a permit to operate a temporary transfer station.
- c) Centralia shall construct a twelve (12) foot high chain link fence around the transfer area as specified in their drawing submitted with the request. Additional employees shall be available to pick up litter on an as-needed basis. Daily supervision shall be provided by the City's Public Works Director and City Manager. Odor will be controlled by daily spraying of a sanitizing solution.
- d) The area and population shall be that contained within the City limits of Centralia, an area approximately 6.25 square miles and 15,217 people.
- e) Concrete bunkers located at Centralia's maintenance yards at 114 E. 5th shall be used as the off-loading staging area as proposed in the above referenced drawing.

- f) The residential solid waste shall be off-loaded from Centralia's collection trucks and loaded onto an over-the-road truck and trailer and transported to an Agency permitted landfill. The trailer shall be provided with a cover to prevent waste from blowing out during transport.
- g) No waste shall be allowed to remain overnight in any concrete bunker. Full trailers shall be taken to the landfill daily and not allowed to remain at the site overnight. Partially loaded trailers may remain overnight within the fenced-in area until fully loaded the next day. Full or partially loaded trailers shall not remain at the site over weekends or holidays.

2. Within 15 days of the date of this Order, Centralia shall execute a Certificate of Acceptance and Agreement which shall be sent to the following address:

Illinois Environmental Protection Agency
 Division of Land Pollution Control
 2200 Churchill Road
 P.O. Box 19276
 Springfield, IL 62794-9276

This variance shall be void if Petitioner fails to execute and forward the certificate within the fifteen day period. The fifteen day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), the City of Centralia, having read the Order of the Illinois Pollution Control Board, in PCB 89-144, dated September 13, 1989, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

 Petitioner

 By: Authorized Agent

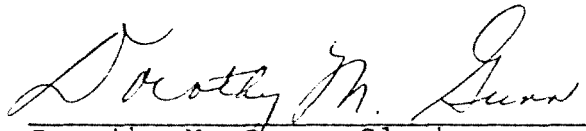
 Title

 Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 ch. 111^{1/2} par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 13th day of September, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board