

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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SEP 07 2000

COMMUNITY LANDFILL COMPANY )  
and CITY OF MORRIS, )  
 )  
Petitioners, )  
 )  
vs. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

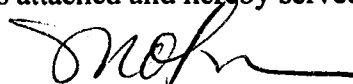
PCB No. 01-49

ORIGINAL

**NOTICE OF FILING**

TO: Ms. Dorothy Gunn, Clerk, Pollution Control Board, 100 W. Randolph, Suite 11-500, Chicago, IL 60601  
Mr. John Kim, Assistant Counsel, Illinois Environmental Protection Agency, 1021 N. Grand Avenue East, Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on September 7, 2000, the undersigned filed the original and nine copies of NOTICE OF FILING and PERMIT APPEAL AND PETITION FOR HEARING with the Office of the Clerk of the Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, a copy of which is attached and hereby served upon you.



One of the Attorneys for Petitioners, Community Landfill Company and the City of Morris

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**PERMIT APPEAL AND PETITION FOR HEARING**

Petitioners, Community Landfill Company (CLC) and City of Morris, by its attorneys, LaRose & Bosco, Ltd. and Michael H. Massino, Ltd., pursuant to § 40(a) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)) and 35 I.A.C. § 105.102, hereby file this Permit Appeal and Petition for Hearing regarding certain conditions included in Respondent Illinois Environmental Protection Agency's (IEPA's) issuance of a significant modification application for the Morris Community Landfill under Permit Log No. 2000-156, and in support hereof state as follows:

**The Parties**

1. Petitioner, CLC, is an Illinois private corporation that is the permitted operator of the Morris Community Landfill located on Ashley Road, City of Morris, County of Grundy, Illinois.
2. Petitioner, City of Morris, is an Illinois municipal corporation that is the permitted owner of the Morris Community Landfill located on Ashley Road, City of Morris, County of Grundy, Illinois.
3. The IEPA is an agency of the State of Illinois, empowered to consider, issue or deny various applications for permit pursuant to § 39 of the Illinois Environmental Protection Act.

### **Description of the Morris Community Landfill**

4. The Morris Community Landfill consists of two parcels of land, IEPA Site Number 0630600001.

5. Parcel A, which is on the east side of Ashley Road in a rural area of the City of Morris, consists of approximately 55 permitted acres. For many years, Parcel A was used by the City of Morris as a municipal solid waste landfill, until the active landfill operations were discontinued in the 1970's. Pursuant to operating Permit Nos. 1974-22-DE and 1974-22-OP issued October 11, 1996, 35 I.A.C. § 814.105(b), and a lease with the City of Morris, CLC continues to operate Parcel A pending the resolution of this permit appeal.

6. Parcel B of the Morris Community Landfill consists of approximately 64 permitted acres and is located on the west side of Ashley Road in a rural area of the City of Morris. From approximately 1982 to 1996, CLC, pursuant to permits and supplemental permits from IEPA and leases and supplemental leases with the City of Morris, has operated Parcel B. Disposal operations at Parcel B ceased in 1996, and closure of the site has begun.

7. A more detailed description of the entire facility is contained in the permit applications and supplement thereto filed in Permit Log Nos. 2000-155 and 2000-156, which are in the Agency's possession and will be filed as a portion of the record in this case. The applications are voluminous in size and represent submittals on May 8, June 5, and July 31, 2000. These submittals include the original multi-volume application, engineering and hydrogeological studies, and engineering designs.

**Standards Under Which the Permit Was Sought**

8. The significant modification permit application, and all additions and amendments thereto under Permit Log No. and 2000-156 (Parcel B), was submitted pursuant to § 39 of the Illinois Environmental Protection Act, and sought to demonstrate compliance with RCRA Subtitle D and the Illinois rules promulgated as R 93-10 and 35 I.A.C. Part 814, Subpart C, pursuant to 35 I.A.C. 814.104((b)).

9. The petitioners believe that the application and additions and amendments thereto demonstrated compliance with the particular standards set forth in paragraph 8, above.

**Description of Contaminant Emissions and Proposed Levels of Control**

**Parcel B**

10. The contaminants that the petitioners sought to control with the significant modification application under Permit Log No. 2000-156 include contaminants normally found in leachate from the disposal of municipal refuse, special wastes, construction and demolition debris and contaminated soil, from disposal of same up to 1996. These contaminants may include those found in Exhibit 1, attached.

11. Petitioners proposed to contain those potential contaminants with the following devices:

- A. Construction of an impervious final cover over the landfill to reduce infiltration into the landfill.
- B. Installation of three (3) vertical leachate withdrawal wells to pump leachate from the landfill and groundwater from beneath the landfill.

- C. Installation of an active landfill gas management systems to remove gas from the landfill (completed).
- D. Treatment of the gas condensate by the City of Morris POTW and destruction of the landfill gas.
- E. As needed, removal of leachate from the vertical gas collection wells.
- F. Construction of a 104,200 gallon tank to temporarily hold leachate, groundwater and condensate from Parcels A and B.
- G. Construction of a sewer connection to the City of Morris POTW, which will treat the leachate.
- H. Installation of a groundwater monitoring well network consisting of 10 monitoring wells to replace the existing network of six (6) monitoring wells.
- I. Installation of 18 gas monitoring probes.
- J. Either evacuation and transportation of any overfill from Parcel B to Parcel A, or obtaining local siting approval to allow any overfill to remain in Parcel B.

The above list of devices is a representative accounting of the various improvements proposed for the landfill. Additional improvements in devices, monitoring and the post-closure care period were also proposed, are too numerous to set forth here, but will be contained in the application and supplemental submittals to the application, which will be part of the record in this case.

### The Permit Issuance

12. On August 4, 2000, the IEPA mailed the permit issued for Parcel B, Permit Log No. 2000-156 to the City of Morris as owner and CLC as operator.<sup>8</sup> The permit issued under Log No. 2000-156 is attached hereto in its entirety and identified as Exhibit 2.

13. Petitioners contest the following conditions contained in the Permit under Permit Log No. 2000-156:

- A. That 475,000 cubic yards of waste be moved from Parcel B to Parcel A by February 1, 2001, or closure cost to be modified, to reflect third party costs (page 2, Item (2) and Condition IX-1). Petitioners should have the option of obtaining local siting approval to leave the waste in place, and/or be given more time than February 1, 2001, to either obtain local siting approval or move the waste;
- B. That petitioners install a 5-day leachate storage system (page 2, Item (3) and page 21, Condition VI-9). Only 1-day leachate storage is necessary and appropriate;
- C. That petitioners complete work on leachate removal system force main, related piping and 5-day storage tank by March 1, 2001 (page 20, Condition VI-7). The three vertical wells have already been installed. However, work on the force main, related piping and five-day storage (page 21, Condition VI-9) should not be required until it is determined what the final contours of Parcel B will be;

D. The permit condition requiring respondent to maintain closure and post-closure care financial assurance for 100 years of treatment of groundwater at the site (page 33, Condition IX-6). This condition should be eliminated because the City of Morris has agreed to treat the groundwater and leachate at its POTW without charge.

14. Pursuant to § 40(a) of the Illinois Environmental Protection Act and 35 I.A.C. § 105.102, petitioners must file a petition for hearing "... within 35 days of the date of mailing of the Agency's final decision." This appeal is timely filed on or before September 8, 2000, within 35 days of August 4, 2000, and pursuant to the computation of time provisions set forth in 35 I.A.C. § 101.109.

**WHEREFORE**, the Petitioners respectfully pray that the Board:

1. Require the Agency to answer, appear as respondent, and file a complete administrative record in this case;
2. Set this matter for hearing and other proceedings (e.g. discovery) as authorized or required by §§ 32, 33(a) and 40 of the Illinois Environmental Protection Act and the applicable rules of the Board;
3. Following said hearing, reverse the Agency's imposition of various conditions contained in Permit Log No. 2000-156 as specifically identified in paragraph 13, above.

4. Stay various contested conditions during the pendency of this appeal.

Respectfully submitted,

COMMUNITY LANDFILL COMPANY and  
CITY OF MORRIS, Petitioners

By:   
One of Their Attorneys

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The following list of contaminants as well as additional parameters may or may not be found in the leachate, groundwater, gas condensate from the landfill operations:

Alkalinity (total)

BETX

Bicarbonate

Biological Oxygen Demand (BOD)

Chemical Oxygen Demand (COD)

Fecal Coliform

Oil (hexane-soluble or equivalent)

Ph

Total Dissolved Solids (TDS)

Total Organic Carbon (TOC)

Total Organic Halogens (TOX)

Aluminum (Dissolved & Total)

Ammonia (as Nitrogen)

Antimony (Dissolved & Total)

Arsenic (Dissolved & Total)

Barium (Dissolved & Total)

Beryllium (Dissolved & Total)

Boron (Dissolved & Total)

Cadmium (Dissolved & Total)

Calcium (Dissolved & Total)

Chloride (Dissolved & Total)

Chromium (Dissolved & Total)

Cobalt (Dissolved & Total)

Copper (Dissolved & Total)

Cyanide (Total as  $Cn^-$ )

Fluoride (Dissolved & Total)

Iron (Dissolved & Total)

Lead (Dissolved & Total)

Magnesium (Dissolved & Total)

Manganese (Dissolved & Total)

Mercury (Dissolved & Total)

Nickel (Dissolved & Total)