

ILLINOIS POLLUTION CONTROL BOARD  
July 18, 1996

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 96-38  
) (Enforcement - Land, Water)  
)  
CITY OF METROPOLIS, an Illinois )  
corporation, )  
)  
Respondent. )

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

This matter comes before the Board upon a seven-count complaint filed August 15, 1995, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against the City of Metropolis (Metropolis), regarding its municipal landfill located at 106 West Fifth Street, Metropolis, Massac County, Illinois. The complaint alleges that Metropolis violated Sections 12(a) and (d), 21(d)(1) and (2), 21(o)(5), 21(o)(9), and 21(o)(12) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/12(a) and (d), 5/21(d)(1) and (2), 5/21(o)(5), 5/21(o)(9), and 5/21(o)(12) and 35 Ill. Adm. Code 807.302, 807.303(a) and (b), 807.304, 807.305(a) and (b), 807.306, 807.314(e), 307.313, and 307.315 by violating provisions of Operational Permit #1973-11, conducting improper methods of operation, failure to provide adequate personnel, failure to provide adequate ground cover on refuse, failure to collect and contain litter, failure to control leachate flow and refuse in water, and causing or allowing water pollution.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on May 21, 1996. The Board published a notice of the waiver on May 29, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on May 21, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Respondents neither admits nor denies the alleged violations and agrees to pay a civil penalty of ten thousand dollars (\$10,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

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

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois against the City of Metropolis (Metropolis), regarding its municipal landfill located at 106 West Fifth Street, Metropolis, Massac County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Metropolis, shall pay the sum of ten thousand dollars (\$10,000.00) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund and shall be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, Metropolis Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Metropolis shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

---

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board