

ILLINOIS POLLUTION CONTROL BOARD  
April 3, 1980

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 78-295  
 )  
CITY OF EAST ST. LOUIS, an )  
Illinois municipal corporation, )  
 )  
Respondent. )

MR. BRIAN E. REYNOLDS, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. DAVID K. HARRIS, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the December 4, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). On January 8, 1979, the Respondent filed a motion which requested that the Board transfer this case to a different Hearing Officer. On February 1, 1979, the Board denied this motion. On February 8, 1979, the Agency filed its Motion for Leave to Amend Complaint Instantly and an Amended Complaint. The Board granted the Agency's motion on February 15, 1979.

The 4-count Amended Complaint alleged that, from July 11, 1975 until February 8, 1979, the Respondent operated its solid waste management site ("site") in such a manner as to: (1) violate the conditions of its Operating Permit (i.e., the trenching method was not used and general refuse, rather than only sludge, was accepted at the site); (2) improperly spread and compact refuse; (3) have insufficient equipment available; and (4) place inadequate daily and intermediate cover on the site, thereby violating Rules 302, 303, 304, 305(a) and 305(b) of Chapter 7: Solid Waste Regulations ("Chapter 7") and Section 21(b) of the Illinois Environmental Protection Act ("Act"). A hearing was held on February 13, 1980. The parties filed a Stipulation and Proposal for Settlement on February 19, 1980.

The City of East St. Louis ("City") owns and operates a sanitary landfill consisting of 8.2 acres in St. Clair County, Illinois. On September 16, 1974, the City submitted an Operating

Permit application which stated that the City would be handling sludge from its sewage treatment plant only and would be using the trenching method of disposal at the site. Accordingly, on July 10, 1975, the Respondent received an Operating Permit from the Agency.

However, it is stipulated that the Respondent failed to ever use the trenching method of disposal at the site and Agency inspections indicated that general refuse was accepted for disposal at the site on May 24, 1976 and March 6, 1978. (Stip. 3). Additionally, Agency inspections have revealed that, on various specified dates, the City failed to: (1) properly spread and compact refuse; (2) have sufficient equipment available; and (3) apply adequate daily or intermediate cover. (Stip. 3-4).

On six occasions between July 22, 1975 and November 6, 1978, the Agency notified the City of these violations by sending letters calling the situation to the attention of the City. (Stip. 4-5). At the hearing, the attorney for the Respondent stated that all of the alleged violations took place during the tenure of a prior City administration. (R. 6). It is stipulated that the City is currently accepting only sludge from its sewage treatment plant for disposal at the site and is attempting to operate the site in full compliance with its Operating Permit and the Board's Solid Waste Regulations. (Stip. 5).

The proposed settlement agreement provides that the Respondent admits the allegations charged in the Complaint and agrees to: (1) cease and desist from further violations; (2) by July 1, 1980, provide the Agency with a proposal containing the City's plan to dispose of sludge from its sewage treatment plant when the current disposal site is closed; (3) until January 1, 1981, operate the site in compliance with its Operating Permit, Chapter 7, and the Act; (4) by January 1, 1981, apply final cover and close the site in compliance with Rule 318 of the Board's Solid Waste Regulations, and (5) pay a stipulated penalty of \$1,000.00. (Stip. 6-7).

In evaluating this enforcement action and the proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, the City of East St. Louis, has operated its sanitary landfill in violation of Rules 302, 303, 304, 305(a) and 305(b) of Chapter 7: Solid Waste Regulations and Section 21(b) of the Act. The stipulated penalty of \$1,000.00 is assessed against the City.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, the City of East St. Louis, has violated Rules 302, 303, 304, 305(a), and 305(b) of Chapter 7: Solid Waste Regulations and Section 21(b) of the Illinois Environmental Protection Act.


2. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,000.00 which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed February 19, 1980, which is incorporated by reference as if fully set forth herein.

Chairman Dumelle concurs.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 3<sup>RD</sup> day of April, 1980 by a vote of 5-0.

  
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Christian L. Moffett, Clerk  
Illinois Pollution Control Board