

ILLINOIS POLLUTION CONTROL BOARD  
February 4, 1988

IN THE MATTER OF: )  
 )  
PEKIN METRO LANDFILL ) AC 87-127  
 ) (87-EH 8)  
Respondent. )

ORDER OF THE BOARD:

This matter comes before the Board upon a December 23, 1987 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Tazewell County Health Department. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Pekin Metro Landfill on December 18, 1987. The Tazewell County Health Department alleges that Pekin Metro Landfill has violated Sections 21(p)(5), 21(p)(11) and 21(p)(12) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Pekin Metro Landfill has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Pekin Metro Landfill has violated each and every provision alleged in the Administrative Citation. Since there are three (3) such violations, the total penalty to be imposed is set at \$1,500.00.

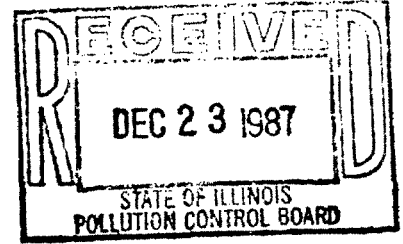
It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Pekin Metro Landfill shall, by certified check or money order payable to the Tazewell County Health Department, pay a penalty in the amount of \$1,500.00, which is to be sent to:

Gordon Poquette  
Tazewell County Health Department  
R.R. #1  
Tremont, Illinois 61568

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 4<sup>th</sup> day of February, 1988 by a vote of 6-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



STATE OF ILLINOIS

COUNTY OF

ADMINISTRATIVE CITATION

)  
) State's Attorney's File No. 87-EH 8  
)  
) Docket No.  
)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111½, par. 1031.), and delegated to Tazewell County pursuant to Ill. Rev. Stat. 1986, Supp., ch. 111½, para. 1004(r).

FACTS

1. That Respondent, Steve Zimmerman, is the present operator of a facility located in the County of Tazewell, State of Illinois.
2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 70-45, and designated with site Code No. 1798050001. Said facility is commonly known to the Agency as Pekin Metro Landfill.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on 11/24/87, Ralph Jones, of the County of Tazewell, inspected the above-described landfill facility. A copy of the Inspection Report setting forth the results of such inspection is attached hereto and made a part hereof.

### VIOLATIONS

On the basis of direct observation of Pekin Metro Landfill, the County of Tazewell has determined that Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1985, ch. 111½, para. 1021(d), in a manner which resulted in the following conditions:

- 5) Uncovered refuse remaining from previous operating day.
- 11) Failure to submit financial assurance documents.
- 12) Failure to collect and contain litter from the site by the end of each operating day.

### CIVIL PENALTY

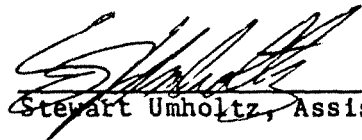
Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111½, para. 1042(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraph One (1), for a total of \$1,500.00. Additionally, should you elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Five Hundred dollar (\$500.00) statutory penalty for each finding of violation.

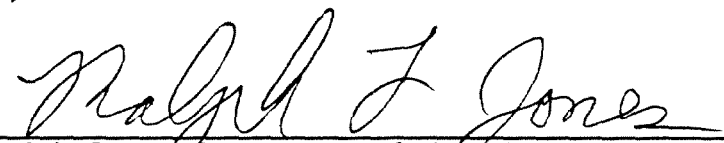
If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than January 16, 1988. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any

judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to Tazewell County Health Department and mailed to Gordon Poquette at the Tazewell County Health Department, RR #1, Tremont, Illinois 61568.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. Furthermore, if payment is not received when due, the Tazewell County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Pollution Control Board, if any; the State's Attorney will seek to recover their costs of litigation.

  
Stewart Umholtz, Assistant State's Attorney

  
Ralph Jones, Environmental Health Specialist

Subscribed and Sworn to before me this

17<sup>th</sup> day of December, 1987.

  
Notary Public

PROCEDURE FOR CONTESTING THIS

ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111½, para. 1031.1). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Tazewell County State's Attorney, attention Stewart Umholtz at the Tazewell County Court House, Pekin, Illinois 61554. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and, a copy of said Petition for Review filed with the State's Attorney at the Tazewell County Court House, Pekin, Illinois.

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Pekin Metro Landfill

Date:

STATE OF ILLINOIS

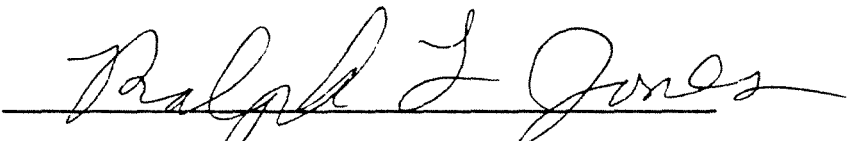
COUNTY OF TAZEWELL

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)  
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) State's Attorney's File No. 87-EH 8  
)  
)  
) Respondent.

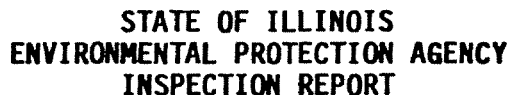
Affiant, Ralph Jones, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of Tazewell and has been so employed at all times pertinent hereto.
2. On November 24, 1987, between 6:00 a.m. and 8:00 a.m., Affiant conducted an inspection of the sanitary landfill in Tazewell County, Illinois, known as Pekin Metro Landfill, Illinois Environmental Protection Agency Site No. 1798050001, operating under IEPA Permit No. 70-45.
3. Affiant inspected said Pekin Metro Landfill site by an on-site inspection which included walking the site and interviewing personnel.
4. Before and after said inspection of said landfill site, Affiant reviewed Illinois Environmental Protection Agency permits issued to the subject site and investigated into whether or not required documents were timely filed on behalf of the subject site.
5. As a result of the activities referred to in Paragraphs 3 and 4 above, Affiant completed the Inspection Report Form attached hereto and

made a part hereof, which, to the best of Affiant's knowledge and belief,  
is an accurate representation of Affiant's observations and factual  
conclusions with respect to Pekin Metro Landfill.



Ralph Jones, Environmental Health Specialist



Failure to comply with the terms and conditions of permit(s) \_\_\_\_\_

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(Section 807.302 of the Regulations) ..... 1. \_\_\_\_\_

Failure to deposit refuse in the toe of the fill or into the bottom of the trench (Section 807.303(a) of the Regulations) ..... 2. \_\_\_\_\_

Inadequate spreading and compacting (Section 807.303(b) of the Regulations) 3. X

Failure to maintain the proper ratio of the slope of the working face (Section 807.303(c) of the Regulations)..... 4. \_\_\_\_\_

Insufficient operable equipment ( ); personnel ( ); supervision ( ) available to comply with the permit, the Act or the Regulations (Section 807.304 of the Regulations) ..... 5. \_\_\_\_\_

Uncovered refuse remaining from any previous operating day or at the conclusion of any operating day (Section 21(p)(5) of the Act) ..... 6.\* X

Inadequate depth of daily cover (Section 807.305(a) of the Regulations) ... 7. X

Inadequate depth of intermediate cover (Section 807.305(b) of the Regulations) ..... 8. X

- Inadequate depth of final cover (Section 807.305(c) of the Regulations) ... 9. \_\_\_\_\_
- Failure to provide final cover within time limits established by Board Regulations  
(Section 21(p)(6) of the Act and Section 807.305(c) of the Regulations) ... 10.\* \_\_\_\_\_
- Failure to collect and contain litter from the site by the end of each operating day  
(Section 21(p)(12) of the Act and Section 807.306 of the Regulations) ..... 11.\* X \_\_\_\_\_
- Causing or allowing salvaging: in an unsanitary manner ( ); in an area not remote from the operating face ( ); which interferes with or otherwise delays the operation of the landfill ( ); without removing salvaged materials daily or separating such materials by type and storage so as to create a nuisance, vector harborage or unsightly appearance ( ) (Section 807.307 of the Regulations) ..... 12. \_\_\_\_\_
- Causing or allowing scavenging operations  
(Section 21(p)(8) of the Act and Section 807.308 of the Regulations) ..... 13.\* \_\_\_\_\_
- Causing or allowing feeding of farm or domestic animals upon the site of the sanitary landfill or with refuse delivered thereto  
(Section 807.309 of the Regulations) ..... 14. \_\_\_\_\_
- Improper deposit, acceptance or handling of burning material at a sanitary landfill site (Section 807.310(a) of the Regulations) ..... 15. \_\_\_\_\_
- Acceptance of wastes without necessary permits  
(Section 21(p)(7) of the Act and Section 807.310(b) of the Regulations) ... 16.\* \_\_\_\_\_
- Open burning of refuse in violation of: Section 9 of the Act ( );  
Section 807.311 of the Regulations ( ) (Section 21(p)(4) of the Act) ..... 17.\* \_\_\_\_\_
- Causing or allowing the operation of a sanitary landfill so as to cause or threaten or allow the emission of contaminants so as to cause or tend to cause air pollution in Illinois  
(Section 9(a) of the Act and Section 807.312 of the Regulations) ..... 18. \_\_\_\_\_
- Causing or allowing the operation of a sanitary landfill so as to cause or threaten or allow the discharge of any contaminants so as to cause water pollution in Illinois  
(Section 12(a) of the Act and Section 807.313 of the Regulations) ..... 19. \_\_\_\_\_
- Conducting a sanitary landfill operation in a manner which results in leachate flow entering Waters of the State (Section 21(p)(2) of the Act and Sections 807.313 and 807.314(e) of the Regulations) ..... 20.\* \_\_\_\_\_
- Conducting a sanitary landfill operation in a manner which results in leachate flows exiting the landfill confines (Section 21(p)(3) of the Act and Sections 807.313 and 807.314(e) of the Regulations) ..... 21.\* \_\_\_\_\_

Inadequate: <u>shelter</u> ( ); <u>sanitary facilities</u> ( ); <u>emergency communi-</u> <u>cations</u> ( ) for employees (Section 807.314(a) of the Regulations) .....	22.	_____
Inadequate roads within the site (Section 807.314(b) of the Regulations) ..	23.	_____
Inadequate control of access to site (Section 807.314(c) of the Regulations) .....	24.	_____
Inadequate measures for fire protection (Section 807.314(d) of the Regulations) .....	25.	_____
Inadequate measures to monitor and control leachate (Section 807.314(e) of the Regulations) .....	26.	_____
Inadequate measures to control: <u>dust</u> ( ); <u>vectors</u> ( ) (Section 807.314(f) of the Regulations) .....	27.	_____
Failure to have an operational safety program approved by the Agency (Section 807.314(g) of the Regulations) .....	28.	_____
Inadequate provision for concealing sanitary landfill operations from public view (Section 807.314(h) of the Regulations) .....	29.	_____
Causing or allowing development or operation of a sanitary landfill with- out having proven to the Agency's satisfaction that no damage or hazard will result to Waters of the State (Section 807.315 of the Regulations) ...	30.	_____
Failure to <u>monitor</u> : gas ( ); water ( ); settling ( ) after the site is completed or closed (Section 807.318(a) of the Regulations) .....	31.	_____
Failure to take necessary <u>remedial action</u> to abate any gas ( ); water ( ); settling ( ) problems after the site is completed or closed (Section 807.318(b) of the Regulations) .....	32.	_____
Failure to properly file a detailed description of the site upon completion or closure of the site (Section 807.318(c) of the Regulations) .....	33.	_____
Refuse in standing or flowing water (Section 21(p)(1) of the Act) .....	34.*	_____
Deposition of refuse in any unpermitted portion of the landfill (Section 21(p)(9) of the Act) .....	35.*	_____
Acceptance of special waste without a required manifest (Section 21(p)(10) of the Act) .....	36.*	_____
✓ Failure to submit reports required by permits or Board Regulations (Section 21(p)(11) of the Act) .....	37.*	<u>X</u>
Acceptance of special waste for disposal, storage or treatment from a waste hauler that does not have a valid special waste hauling permit (Section 809.302(a) of the Regulations) .....	38.	_____