

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 1979

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 79-25
	)	
W. W. SANITATION, INC.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

MR. JOHN VAN VRANKEN AND MR. REED W. NEUMAN, ASSISTANT ATTORNEY GENERALS, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. WILLIAM E. LOWRY, 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 February 2, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that, from November 1, 1977 until the date of filing of the Complaint, the Respondent accepted liquid wastes (including, but not limited to, resin solution, hydroxypropyl methacrylate, methyl methacrylate monomer, and formaldehyde solution) at its refuse disposal site which were not authorized by its Operating Permit in violation of Rules 301 and 310(b) of Chapter 7: Solid Waste Regulations ("Chapter 7"). Count II of the Complaint alleged that, from November 1, 1977 until the date of filing of the Complaint, the Respondent failed to place adequate daily cover on all exposed refuse in violation of Rules 301 and 305(a) of Chapter 7 and Section 21(b) of the Illinois Environmental Protection Act ("Act"). Count III of the Complaint alleged that, from April 1, 1978 until the date of filing of the Complaint, the Respondent caused or threatened or allowed the discharge of the aforementioned liquid wastes so as to cause, or tend to cause, water pollution, thereby creating a water pollution hazard in violation of Sections 12(d) and 21(b) of the Act. On April 6, 1979, the Agency filed a Motion for Leave to File an Attachment to the Complaint Instanter (which was designed to attach a copy of the Operating Permit as Exhibit A of the Complaint). On April 12, 1979, the Board granted the Complainant's Motion for Leave to File an Attachment to the Complaint Instanter. After

various other preliminary motions were filed, hearings were held on May 9, 1979 and July 31, 1979. The parties filed a Stipulation and Proposal for Settlement on August 6, 1979.

The Respondent, W. W. Sanitation, Inc., is an Illinois corporation which operates a refuse disposal site ("site") located in Pike County, Illinois pursuant to an Agency Operating Permit which was issued on August 25, 1976. The site is approximately 32 acres in size and is located on rolling terrain about 400 yards from the south fork of McGee Creek. A small tributary of McGee Creek runs along the northern boundary of the Respondent's property. Although this site is the only general refuse disposal site in Pike County which has an Operating Permit from the Agency, the Respondent has never been issued any supplemental permits to accept any hazardous or liquid wastes at the site. (Stip. 2).

It is stipulated that, on ten specified dates between November 9, 1977 and January 26, 1979, Agency inspections indicated that the Respondent was accepting liquid wastes at the site. (Stip. 2). Although the Respondent applied to the Agency on October 9, 1978 for supplemental permits to accept certain liquid wastes, the Agency denied these permit applications on November 20, 1978. Nevertheless, the Respondent continued to accept liquid wastes at the site until February 5, 1979.

Additionally, on thirteen specified dates between November 9, 1977 and April 17, 1979, Agency inspections revealed that inadequate daily cover had been placed on exposed refuse. (Stip. 3). Moreover, on April 17, 1978, April 19, 1978, May 10, 1978, March 22, 1979 and April 17, 1979, Agency inspections revealed that leachate was leaving the site and entering surface water. (Stip. 3). It is also stipulated that the Agency has received no complaint from members of the general public pertaining to the alleged violations, nor does the Agency have evidence of any direct harm suffered by members of the public due to such violations. (Stip. 4).

The proposed settlement agreement provides that the Respondent shall: (1) immediately cease and desist from accepting unpermitted wastes, (2) promptly repair the earthen berm at the northeast corner of the fill area so as to prevent leakage of leachate through it, under, or over its top (all future berm construction shall also be such that it prevents the leakage of leachate), (3) submit an application to the Agency for a supplemental plan change permit, (4) place permanent markers at the site to delineate the 4 major fill areas, (5) promptly come into compliance with the Board's Solid Waste Regulations, and (6) pay a stipulated penalty of \$1,000 .

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria set forth in Section 33(c) of the

Illinois Environmental Protection Act. The Board finds the proposed agreement to be acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, W. W. Sanitation, Inc., has violated Rules 301, 305(a), and 310(b) of Chapter 7: Solid Waste Regulations and Sections 12(d) and 21(b) of the Act and orders the Respondent to immediately cease and desist from accepting unpermitted wastes. The Respondent is also ordered to promptly bring its daily refuse disposal operations into compliance with the Board's Solid Waste Regulations. Additionally, the Respondent is directed to repair the earthen berm at the northeast corner of the filled area so as to prevent leakage of leachate and place permanent markers to delineate the 4 major filled areas as agreed upon in the proposed settlement. The stipulated penalty of \$1,000 is hereby assessed against the Respondent.

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 has violated Rules 301, 305(a), and 310(b) of Chapter 7: Solid Waste Regulations and Sections 12(d) and 21(b) of the Act.

2. The Respondent shall immediately cease and desist from accepting unpermitted wastes.

3. The Respondent shall repair the earthen berm at the northeast corner of the filled area so as to prevent leakage of leachate through it, under, or over its top. These repairs shall be made by December 1, 1979. All future berm construction shall be such that it prevents the leakage of leachate through, under, or over the top of the berm.

4. The Respondent shall submit to the Permit's Section of the Division of Land/Noise Pollution Control of the Illinois Environmental Protection Agency an application for a supplemental plan change permit within a time period which will allow for the application to be acted upon by the Agency within 60 days of the date of this Board Order. The application shall include, but not be limited to, the following:

- (a) a showing of areas already filled;
- (b) an outline of an orderly development and progression of future filled areas;
- (c) a designation of wet weather operational areas;
- (d) a showing of the location of all monitoring wells.

5. Within 10 days of the date of this Order, the Respondent shall place on the site some type of permanent markers to delineate the 4 major filled areas.


6. Within 10 days of the date of this Order, the Respondent shall bring the daily operations of the site into compliance with the Board's Solid Waste Regulations.

7. Within 30 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 which is to be sent to:

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

8. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed August 6, 1979, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 20<sup>th</sup> day of September, 1979 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board