

ILLINOIS POLLUTION CONTROL BOARD
September 7, 1978

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-49
)
MACOMB COUNTRY CLUB,)
an Illinois not-for-profit)
corporation,)
)
Respondent.)

MR. REED NEUMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. C. DON WESTON, 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 17, 1978 Complaint brought by the Illinois Environmental Protection Agency alleging that the Macomb Country Club ("Macomb") allowed the open dumping of refuse on its solid waste management site from October 1, 1974 until February 18, 1975 and failed to place final cover on its site from February 18, 1975 until February 17, 1978 in violation of Rule 301 and Rule 305(c) of Chapter 7: Solid Waste Regulations and Section 21(b) of the Illinois Environmental Protection Act. A hearing was held on June 23, 1978 and the parties read their Stipulation and Proposal for Settlement into the record at that time.

The Macomb Country Club is a not-for-profit Illinois corporation which owns property on Hickory Grove Lane in Macomb, McDonough County, Illinois. The stipulated facts indicate that while the Respondent operated this site from October 1, 1974 until February 18, 1975, it permitted the dumping of demolition debris next to its clubhouse for use as a base for a planned parking lot (i.e., to bring the area up to grade) at the property. During this period, persons beyond the control of the Respondent also dumped small amounts of other refuse on the site. (See, Complainant's Group Exhibit 1, 2, and 3). Macomb Country Club has ceased accepting

refuse at the site and has not permitted the dumping of demolition debris on the property since the summer of 1976, when most of the area near the clubhouse was converted to a concrete parking lot. (Complainant's Group Exhibit 2).

The Respondent from time to time has placed clay on the demolition debris when it was available from the construction projects in the Macomb area at no cost to the country club. The demolition debris was originally dumped on the site for the purpose of bringing the area near the clubhouse up to grade for a parking lot. (Complainant's Group Exhibit 2). There remains about 100 square yards of exposed demolition debris which requires final cover at the present time.

The settlement agreement provides that: (1) Macomb will cover or remove all exposed demolition debris within 120 days of the date of the Board's Order; (2) the Agency has a right to monitor the site from time to time; and (3) the Board may, at its discretion, impose a fine. The Agency has recommended that the Board impose a penalty of \$100.00 . (R. 6,8).

However, the Respondent's attorney has contended that a fine in this case is unwarranted because "the club's current financial situation is not in the best of shape." (R. 7). He stated that the Macomb Country Club "may well be placed in a position for the first time to purchase dirt" and will have the financial burden of "paying for a contractor to compact and spread it ..." (R. 7-8). Moreover, the Respondent's attorney indicated that the country club "has an operating loss of about \$3,000.00 a month and about \$15,000.00 to date this year." (R. 8).

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 delineated in Section 33(c) of the Act. Incinerator, Inc. v. Illinois Pollution Control Board, 59 Ill. 2d 290, 319 N.E. 2d 794 (1974).

Accordingly, the Board accepts the Stipulation and Proposal for Settlement and finds that Macomb Country Club allowed the open dumping of refuse from October 1, 1974 until February 18, 1975 and failed to place final cover on its site from February 18, 1975 until February 17, 1978 in violation of Rule 301 and Rule 305(c) of Chapter 7: Solid Waste Regulations and Section 21(b) of the Act. The Board hereby imposes a penalty of \$100.00 for these violations.

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. Macomb Country Club has violated Rule 301 and Rule 305(c) of Chapter 7: Solid Waste Rules and Regulations and Section 21(b) of the Illinois Environmental Protection Act.


2. Within 120 days of the date of this Order, Macomb Country Club shall cover or remove all exposed demolition debris from its site.

3. Within 90 days of the date of this Order, Macomb Country Club shall pay a penalty of \$100.00 , payment to be made by certified check or money order to:

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

4. Macomb Country Club shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement of June 23, 1978, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 7th day of September, 1978 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board