

ILLINOIS POLLUTION CONTROL BOARD
May 25, 1978

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 77-283
)
CITY OF SYCAMORE, an)
Illinois municipal corporation,)
)
Respondent.)

MS. JUDITH S. GOODIE, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. CHARLES L. FIERZ, CITY ATTORNEY, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the November 2, 1977 Complaint brought by the Illinois Environmental Protection Agency which alleged that the City of Sycamore owned a solid waste management site which was improperly operated in violation of Rule 202(b)(1) and Rule 311 of Chapter 7: Solid Waste Regulations; Rule 502(a) of Chapter 2: Air Pollution Control Regulations; and Section 9(c) and Section 21(b) of the Illinois Environmental Protection Act. A hearing was held on April 7, 1978. The parties filed a Stipulation and Proposal for Settlement on April 7, 1978.

The Respondent owned a sanitary landfill in DeKalb County. This property is located north of the City of Sycamore, at the terminus of North Cross Street. The site is bounded on the north by the East Branch of the Kishwaukee River and on the south by the Chicago & Northwestern Railroad viaduct.

In November of 1971, the City of Sycamore applied to the Agency for a permit to conduct open burning at the site, but this request was denied by the Agency. Although the City never obtained an Agency permit to operate a solid waste management site, from time to time the property has been utilized for the disposal and burning of landscape wastes (such as tree limbs and brush collected by the City as a service for its residents).

The Agency contends that other wastes, including discarded appliances and sewage treatment plant wastes, have been deposited at the site, while the City of Sycamore asserts that its practice of accepting other wastes in the past did not include sewage treatment wastes and was discontinued during the relevant time period.

On various dates between March 13, 1974 and August 22, 1977, it is stipulated that the City of Sycamore caused or allowed the disposal of wastes at the site in violation of Solid Waste Rule 202(b) (1) and Section 21(e) of the Act, as well as allowing the open burning of wastes in violation of Solid Waste Rule 311 and Sections 21(b) and 9(c) of the Act. Subsequently, the parties negotiated a proposed settlement which is designed to correct past mistakes, prevent future problems, and protect the environment.

Basically, the settlement agreement provides that the City of Sycamore will: (1) refrain from open burning or depositing wastes at the site; (2) remove all readily-removable wastes located along the northern and western boundaries of the property, and deposit them at a sanitary landfill which has an Agency permit; (3) place suitable final cover on all areas of the site containing wholly or partially exposed refuse on or before September 1, 1978; (4) restrict access to the property to prevent dumping (including the posting of "No Dumping" signs); (5) install 2 monitoring wells at locations approved by the Agency; (6) sample such wells for a period of 3 years from the date of final covering (and submit quarterly sampling reports to the Agency); (7) post a \$15,000.00 performance bond within 30 days of the date of the Board's order; and (8) pay a stipulated penalty of \$1,000.00 .

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 the City of Sycamore in violation of Rule 202(b)(1) and Rule 311 of Chapter 7: Solid Waste Regulations and Sections 9(c), 21(b) and 21(e) of the Act. The Board imposes the stipulated penalty of \$1,000.00 .

This Opinion and Order constitute 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 City of Sycamore has violated Rule 202(b)(1) and Rule 311 of Chapter 7: Solid Waste Regulations and Sections 9(c), 21(b) and 21(e) of the Act.

2. Within 35 days of the date of this Order, the City of Sycamore shall pay the stipulated penalty of \$1,000.00, 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

3. The City of Sycamore shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed April 7, 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 25th day of May, 1978 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board