

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
vs.) PCB 77-295
)
CLARK WOCKNER,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

On November 15, 1977 the Environmental Protection Agency (Agency) filed a complaint alleging that Respondent operates a solid waste management site located approximately one mile southwest of Iroquois, Iroquois County, Illinois, in the Northwest Quarter of Section 22, Township 27 North, Range 11 West of the Second Principal Meridian and that since August 30, 1975 Respondent has failed to submit water sample analyses in violation of Special Permit Condition No. 2 and Rules 301, 302 315, 317 and 212 of Chapter 7: Solid Waste Regulations. A hearing was held in this matter on March 31, 1978 at which time a stipulated settlement was presented for the Board's acceptance. There was no public comment or testimony.

The stipulated settlement provides as follows. From August 20, 1975 to December 1976 Respondent, Clark Wockner, operated the site in question. In April 1977 Mr. Wockner applied final cover. Mr. Wockner was issued an operating permit for the site on August 20, 1975. As a condition of his permit, Respondent was to provide quarterly monitoring from two wells. Respondent has failed to provide the required monitoring reports. This failure was because the monitoring wells were dry. This fact was not brought to the Agency's attention until after this action was brought.

At the present time a well does not exist at the location of Boring B-2. A monitoring well is needed at this location in order to sample the background condition of ground water entering the area of the landfill. Respondent agrees to dig a monitoring well by June 15, 1978 in the area of Boring B-2. Respondent further agrees to submit water sample analyses as required in Special Condition No. 2 of his permit. If at any time no water sample can be obtained the Respondent shall notify the Agency.

Mr. Wockner agrees to file a detailed description of the site including a plat, with the appropriate county land recording authority in Iroquois County as required by Rule 318(c) of Chapter 7. Respondent further agrees to deepen the monitoring well at Boring B-5 to a depth of at least 29 feet below the ground surface in accordance with the plans submitted with his application for an operating permit.

Mr. Wockner did not receive communications from the Agency concerning this matter because of a change in address. He learned of the problem after the suit was brought. The parties agreed that considering the nature of the violation and Mr. Wockner's willingness to achieve compliance and his failure to receive notice of problem that no penalty is appropriate.


The Board finds that this stipulated settlement is acceptable under Procedural Rule 331. The Board does find Respondent in violation of Special Condition No. 2 and Rules 301, 302, 315 and 317 of Chapter 7. The allegation of violation of Rule 212 of Chapter 7 is dismissed. The Board further finds that under Section 33(c) of the Act that no penalty is appropriate.

ORDER

It is the order of the Pollution Control Board that:

1. Clark Wockner is found in violation of Rules 301, 302, 315 and 317 of Chapter 7: Solid Waste Regulations. The allegation of violation of Rule 212 is dismissed.
2. Respondent shall comply with all terms of the stipulated settlement as if completely set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 22ND day of June, 1978 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board