

ILLINOIS POLLUTION CONTROL BOARD  
May 26, 1977

PEOPLE OF THE STATE OF ILLINOIS,        )  
  )  
                                  Complainant,    )  
  )  
                                  v.                )       PCB 75-317  
  )  
JOHN SEXTON CONTRACTORS, INC.,         )  
  )  
                                  Respondent.     )

Mr. Marvin I. Medintz, Assistant Attorney General, appeared on behalf of the Complainant.

Mr. Harry M. Brostoff appeared on behalf of the Respondent.

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

This action was brought by the Attorney General of Illinois on behalf of the People of the State of Illinois. The complaint filed August 14, 1975 alleges that Respondent has owned and operated a landfill at 123rd Street and California Avenue, in the City of Blue Island, Cook County, Illinois. The complaint further alleges that Respondent's facility has been operated in such a manner as to emit odors sufficient to unreasonably interfere with the enjoyment of life and property of neighboring citizens so as to cause or tend to cause air pollution in violation of Section 9(a) of the Environmental Protection Act (Act).

A hearing was held in this matter on April 4, 1977. At this time a stipulation and proposal for settlement was presented for Board approval. No testimony was given and no interested citizens were present.

The agreement describes the site and the general mode of operation. It also points out that the facility has been operating since 1965 and has received the proper permits from the Illinois Environmental Protection Agency (Agency).

Odor control prior to this action consisted of what Sexton considered to be a combination of good operating and good housekeeping practices (Stip. ¶8). After initiation

of this case Respondent voluntarily inaugurated an organized program of procedures for prompt detection of odors and the elimination thereof (Stip. ¶8). This program was instituted at all Respondent's sites (Stip. ¶8). The parties agreed that Sexton has the general reputation as being a superior operator of sanitary landfills (Stip. ¶8).

This case was filed in response to several complaints in the latter part of 1975 of odors from the facility (Stip. ¶9). These complaints were from persons residing near the facility; the nearest residence of a complaining citizen is approximately one-half mile (Stip. ¶9).

Paragraph 10 of the stipulation provides:

"Sexton denies that it is the cause or source of the odors complained of, and attributes the odors complained of to industrial plants in the area. The parties agree that proper operating and house-keeping practices, combined with an odor detection and abatement program as described below, can best minimize or prevent odors from escaping from a landfill site. Methane detection will be used as an indicator of potential odor problems. The parties agree that if methane escape can be prevented or detected early, odor prevention or abatement can more readily and quickly be accomplished."

After several meetings between the parties Sexton instituted a program by which Respondent has and shall continue to:

- A. Have available at all times a portable instrument for the detection and measurement of methane gas emitted. The specifications and model number of this instrument shall be furnished to the office of the Complainant, attention Howard O. Chinn, P. E., Chief Engineer, 188 West Randolph Street, Suite 2315, Chicago, Illinois 60601.
- B. Implement a routine surveillance program at the site which will include an inspection of the perimeters of the site, as well as the areas over the placement of the refuse. These inspections will consist of visual and olfactory observations, and the use of the instrument referred to in "A" above. The visual observations will include a

check for fissures and other openings in the cover material and will also note the dryness in the cover material.

These inspections shall occur whenever Sexton receives a complaint either from a resident in the neighborhood or from a regulatory agency such as the Illinois Environmental Protection Agency or the Attorney General's office. At all other times, the inspections shall occur at least once each week from May 1 through October 31 and once a month from November 1 through April 30.

These inspections shall be conducted during the early morning with winds less than 2 mph., or late in the afternoon after the facility has closed its gates to additional refuse bearing vehicles.

In the event of an ozone alert by the Illinois Environmental Protection Agency or other authorities having jurisdiction, the above inspections shall be conducted twice daily.

- C. Upon the confirmation of an odor emanating from the site, Sexton shall immediately institute an abatement program which shall at least include one or more of the following as necessary:
  - a. Place additional earth cover over the affected area and compact to minimize permeability. Cover material so used shall have low permeability properties.
  - b. Spray existing cover with water and fill in any fissures and other openings.
  - c. Construct a new cell over the affected area and cover with a low permeability material.
  - d. Install vent pipes to relieve the local pressure build up within the affected refuse cell. The gases shall be flared or chemically treated to eliminate the odor. Masking agents shall not be used.

The activities, in addition to climatological data described and taken under Paragraph C shall be entered in the daily log of the facility.

- D. Fill and complete the Sexton Potential and Corrective Odor Survey form and maintain a file for record keeping of these forms.
- E. Allow any duly authorized representatives of the Attorney General's office the right to inspect the site and the said file of survey forms at any reasonable time during normal business hours.

Respondent shall cooperate with these instructions by answering any reasonable questions relevant to the procedural operation of their site and the odor prevention program.

- F. Direct all communications to the Attorney General's office as follows:

Howard O. Chinn, P.E.  
Chief Engineer  
Environmental Control Division  
188 West Randolph, Suite 2315  
Chicago, Illinois 60601

The agreement further states that the parties agree that the public interest will be best served by resolving this controversy pursuant to the settlement agreement and the Board's Procedural Rule 331. The agreement specifically provides that Respondent does not admit any wrongdoing or violation of any law, rule, or regulation of the State of Illinois or any of its agencies. By the terms of the agreement Sexton will maintain and implement its odor detection and abatement plan described earlier. Sexton has agreed to pay a sum of \$1,500 to the State of Illinois upon acceptance of this settlement by the Board. Upon acceptance of the stipulation it is agreed the cause will be dismissed.

The Board finds the settlement agreement to be acceptable under Procedural Rule 331. At the hearing the Assistant Attorney General stated that his office considered the proposed plan so good as to make litigation of the actual violation not worth the effort (R. 7). The Board also finds the proposed plan complete and commends Respondent for including sites in the

abatement plan other than that in actual controversy. The Board accepts the agreement as set out in the Stipulation and Proposal for Settlement. This cause is dismissed with prejudice.

This Opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

It is the Order of the Pollution Control Board that:

1. The Stipulation and Proposal for Settlement submitted in this matter is accepted.
2. A sum of \$1,500, paid by certified check or money order, will be paid by Respondent within 35 days of this Order to:

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

3. This matter is dismissed conditioned upon compliance of all parties to this matter with all terms and conditions thereto.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26<sup>th</sup> day of May, 1977 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board