

ILLINOIS POLLUTION CONTROL BOARD

December 16, 1976

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 75-481
)	
ROSCOE MEEKS,)	
)	
Respondent.)	

Mr. Steven Watts, Assistant Attorney General, appeared on behalf of the Complainant.

Mr. Robert Crain appeared on behalf of the Respondent.

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

This matter comes before the Board upon a complaint filed by the Environmental Protection Agency (Agency) on December 19, 1975. The complaint alleges that Respondent owns and operates a solid waste management site located in Section 32, Township 1 North, Range 1 East of the Third Principal Meridian in Marion County, Illinois; that Respondent has operated the aforesaid site without an operating permit issued by the Agency in violation of Rule 202(b) (1) of the Solid Waste Management Regulations (Regulations); that Respondent caused or allowed open dumping in violation of Section 21(b) of the Environmental Protection Act (Act); and that Respondent caused or allowed open burning in violation of Rule 311 of the Regulations. On March 11, 1976 Respondent Roscoe Meeks moved to join the City of Centralia as a respondent to provide for a complete determination of the controversy. The Board allowed this motion on April 22, 1976. A hearing was held on May 7, 1976. At this time the City of Centralia had not received any pleadings. The hearing was continued to allow for additional pleadings. Respondent Meeks filed a counterclaim against Centralia on May 14, 1976. On May 20, 1976 the Board dismissed without prejudice the counterclaim as not properly pleaded. A second hearing on this matter was held on September 14, 1976 in Centralia. At this hearing a Stipulation of Parties and Proposed Settlement was presented to the Board for approval. The City of Centralia was not included as a stipulating party. The Board dismisses the City of Centralia as a party for lack of prosecution.

The essence of the stipulated agreement is that subsequent to the filing of the complaint discovery procedures and pre-hearing negotiations have indicated to both parties that there exists no issue of fact as to the occurrence of open dumping and open burning by Respondent at the site. The City of Centralia did rent the site from May 12, 1969 to May 12, 1974. Centralia operated a solid waste management site thereon. Respondent admits that he has violated Section 21(b) of the Act and Rule 311(a) of the Regulations at two separate areas on the site. One area is approximately 50 feet wide and 200 feet long. The other area is approximately 100 feet wide and 400 feet long. Respondent Meeks does not admit responsibility or liability for the failure of the City of Centralia to properly close the site including but not limited to any open dumping and/or open burning caused or allowed by the City of Centralia at area of the site other than those described above.

Respondent agrees not to open dump and not to open burn at the site. Respondent agrees to apply for and obtain from the Agency all appropriate operating permits prior to his resumption of dumping or burning at the site. Respondent further agreed to pay a penalty of \$500 for the admitted violation.

The Agency requests the Board to dismiss the allegations of operating a waste management site without an operating permit in violation of Section 21(e) of the Act and Rule 202(b)(1) of the Regulations. The Agency requests that the Board order that Respondent refrain from open dumping and burning unless an operating permit is obtained and that Respondent remove or cover the two burned areas at the site for which he is responsible.

The Board finds the stipulated settlement acceptable under Procedural Rule 333. Respondent is found in violation of Section 21(b) of the Act and Rule 311(a) of the Regulations. The allegations of violations of Rule 202(b)(1) of the Regulations and Section 21(e) of the Act are dismissed. Respondent is assessed a penalty of \$500. Respondent shall cease and desist any further operations without an appropriate permit. Respondent shall bring the two areas of the site for which he is responsible into compliance.

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


ORDER

It is the Order of the Pollution Control Board that:

1. Roscoe Meeks is found to have violated Rule 311(a) of the Solid Waste Regulations and Section 21(b) of the Environmental Protection Act. The allegations of violations of Rule 202(b)(1) of the Regulations and Section 21(e) of the Act are dismissed.
2. The City of Centralia is dismissed as a respondent in this matter.
3. Roscoe Meeks shall refrain from operation of a solid waste management site unless a proper operating permit is obtained.
4. Mr. Meeks shall remove or cover the two burned areas at the site for which he is responsible, as outlined in the opinion.
5. Roscoe Meeks shall pay a penalty of \$500 within 35 days of this order. Payment shall be by certified check or money order payable to:

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16th day of December, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board