

ILLINOIS POLLUTION CONTROL BOARD  
May 20, 1976

ENVIRONMENTAL PROTECTION AGENCY,            )  
  )  
  Complainant,            )  
  )  
  v.                            )       PCB 76-10  
  )  
THOMAS CELLINI, d/b/a                        )  
  BROADWAY AUTO BODY                        )  
  )  
  Respondent.            )

Mr. James L. Dobrovolny, Assistant Attorney General, appeared for complainant.  
Mr. Joseph F. Greco appeared for respondent.

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

This matter comes before the Pollution Control Board upon a complaint filed on January 12, 1976 by the Environmental Protection Agency (Agency) alleging that Thomas Cellini, d/b/a Broadway Auto Body, owns and operates a solid waste management site at 3019 East End Avenue, South Chicago Heights, Cook County, Illinois without an operating permit in violation of Rule 202(b)(1) of the Solid Waste Regulations (hereinafter Regulations) and Section 21(e) of the Environmental Protection Act. It was further alleged that Respondent caused or allowed the open dumping of refuse in violation of Section 21(b) of the Act beginning on or about July 27, 1973 to the filing of the complaint herein, including but not limited to twelve separate dates from October 23, 1973 to November 18, 1975; Respondent failed to place daily cover in violation of Rule 305(a) of the Regulations and Section 21(b) of the Act, including but not limited to twelve different dates from October 23, 1973 to November 18, 1975; and that Respondent failed to place final cover of not less than two feet over the entire surface of the final lifts in violation of Rule 305(c) of the Regulations and Section 21(b) of the Act including but not limited to twelve separate dates from October 23, 1973 to November 18, 1975.

A hearing was held March 9, 1976. At that time a stipulated agreement was presented. No other testimony was given.

The facts of the agreement are as follows. Respondent owns and operates an auto body shop situated on property located proximate to 3019 East End Avenue, South Chicago Heights in Section 33, Township 35 North, Range 14 East, Cook County, Illinois. The site in question is located in the rear of Respondent's auto body repair shop. This site has been the object of random dumping of refuse consisting of tires, white goods, brush, car parts, cans, cardboard and more recently demolition waste. This dumping has been from Cellini's own refuse. Additionally other persons without permission of Cellini have dumped refuse on the site. Cellini has never obtained an operating permit, a violation of Section 21(e) of the Act. Since July 27, 1973 continuing to the filing of the complaint including but not limited to twelve separate dates the Respondent has caused or allowed open dumping of refuse in violation of Section 21(b) of the Act. Respondent failed to provide daily cover on these same twelve days in violation of Rule 305(a) of the Regulations. Cellini also failed to place final cover over the final lifts in violation of Rule 305(c) of the Regulations on these same twelve days. Respondent admits all these violations and also admits he has terminated operations at the site in question.

To resolve this case Mr. Cellini has agreed to apply final cover to the site subject to Agency approval within ninety (90) days of the Board's order and to limit access to the site to prevent promiscuous dumping in the future. Mr. Cellini will give notice to the Agency when final cover will be undertaken so the Agency may inspect the site and method of cover. Respondent agrees to cease and desist from further dumping without obtaining a permit and further agrees to pay a penalty of \$750 for the aforesaid violations.

The Board finds this stipulated settlement to be acceptable under Procedural Rule 333. The Board finds that Thomas Cellini is in violation of Rules 202(b)(1), 305(a) and 305(c) of the Regulations and Sections 21(b) and 21(e) of the Act. A penalty of \$750 is assessed for these violations in accordance with the stipulated settlement. Respondent will comply with all terms of the settlement.

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

#### ORDER

It is the order of the Pollution Control Board that:

1. Thomas Cellini, d/b/a Broadway Auto Body, is in violation of Rule 202(b)(1) of the Solid Waste Regulations

and Section 21(e) of the Act and of Rules 305(a) and 305(c) of the Solid Waste Regulations and Section 21(b) of the Act.

2. Thomas Cellini will apply final cover to the site subject to Agency approval within ninety (90) days of this Order.

3. Respondent shall limit access to the site to prevent promiscuous dumping in the future.

4. Respondent shall give the Agency notice when final cover will be placed so that the Agency may inspect the site and method of cover.

5. Thomas Cellini shall cease and desist from further dumping at the site, unless he obtains an Agency permit.

6. Respondent shall pay a penalty of \$750 for these violations within thirty (30) days of this Order. Payment shall be by certified check or cashier's check made 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 20<sup>th</sup> day of May, 1976 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board