

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1977

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
)	
v.)	PCB 76-127
)	
)	
MELVIN ACKMAN,)	
)	
Respondent.)	
)	

MR. ROBERT C. OSMUNDSEN, appeared on behalf of Complainant;
MR. DAVID WAGGONER, appeared on behalf of Respondent.

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

This matter comes before the Board on a Complaint filed by the Environmental Protection Agency against Melvin Ackman on May 4, 1976. The Complaint charges Mr. Ackman with failing to place final cover on a site used for solid waste management in violation of Solid Waste Regulation 305(c). The site is located near Crystal Lake in McHenry County, Illinois. A hearing was held in Woodstock, Illinois on July 14, 1976, at which a Stipulation and Proposed Settlement was presented. On July 19, 1976 the written Stipulation and Proposal For Settlement was filed with the Board.

The Stipulation admits all facts necessary for the finding of a violation. Further, the Agency has agreed that the potential for pollution resulting from Mr. Ackman's activities is minimal. Exhibit A is an Agency report of an inspection made on July 2, 1976 indicating that the landfill is in "General Compliance".

The Proposed Settlement provides that Mr. Ackman shall cease and desist from accepting refuse, monitor and remedy the integrity of the existing final cover for three years, file a detailed description of the site, and pay a penalty of \$350.00. The Board finds this Settlement acceptable and the conditions therein necessary for the protection of the environment and enforcement of this Act.

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

ORDER

- A. The Board hereby finds Respondent Melvin Ackman to have violated Solid Waste Regulation 305(c) at his site in McHenry County, Illinois.
- B. Respondent Melvin Ackman shall cease and desist from accepting refuse of any kind at the above noted site.
- C. Respondent Melvin Ackman shall monitor, and take whatever remedial action is necessary to maintain, the existing final cover at the above noted site, in accordance with Solid Waste Regulation 318 (a) and (b) for three years from the date of this Order.
- D. Respondent Melvin Ackman shall file a detailed description of the site, including a plat, with the McHenry County recorder's office, in accordance with Solid Waste Regulation 318 (c) within sixty days of this Order.
- E. Respondent Melvin Ackman shall pay a penalty of \$350.00 for the aforesaid violation of Solid Waste Regulation 305(c), to the State of Illinois. Payment shall be made within 35 days of the date of this Order, by certified check, cashier's check, or money order, to:

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

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 17th day of February, 1977 by a vote of 4-0.

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