

ILLINOIS POLLUTION CONTROL BOARD

November 8, 1973

ENVIRONMENTAL PROTECTION AGENCY)
)
)
 vs.) PCB 73-107
)
)
 CITY OF MORRIS)

Steven C. Bonaguidi, Assistant Attorney General for the EPA
James L. Peacock, Attorney for the City of Morris, Illinois

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

The Respondent, City of Morris, owns and operates a refuse disposal site of approximately 55 acres in W $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 35, Township 34 North, Range 7 East, of 3rd Principal Meridian, and approximately 5 acres in NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 2, Township 33 North, in Grundy County, Illinois.

On March 9, 1973, the Environmental Protection Agency (hereinafter "EPA") filed a Complaint against the City of Morris alleging that beginning on or about July 1, 1970, and particularly on specified dates (from July 8, 1970, to January 9, 1973) when EPA personnel inspected the site, the above-described refuse disposal site was operated by the Respondent in such a manner as to violate the following portions of the Environmental Protection Act (hereinafter "Act") [Ill. Rev. Stat., ch.111- $\frac{1}{2}$ (1971)] and the Rules and Regulations for Refuse Disposal Sites and Facilities, of the Division of Sanitary Engineering of the Department of Public Health of the State of Illinois (hereinafter "Rules"), continued effective pursuant to Section 49(c) of the Act [Ill. Rev. Stat. ch.111- $\frac{1}{2}$, Section 1049(c) (1971)] :

- 2.* Respondent has operated and continues to operate the aforesaid refuse disposal site without a permit from EPA for said operations in violation of Section 21(e) of the Act.

* 2 through 11 refer to numbered paragraphs in the Complaint.

3. Respondent has caused or allowed the open dumping of garbage and refuse at said facility in violation of Sections 21(a) and 21(b) of the Act and Rule 3.04 of the Rules.
4. Respondent has operated said refuse disposal site so as to cause or allow the open burning of refuse in violation of Section 9(c) of the Act and Rule 3.05 of the Rules.
5. Respondent has operated said refuse disposal site in a manner that causes or allows the discharge of contaminants so as to cause or tend to cause water pollution in violation of Section 12(a) of the Act.
6. Respondent has operated said refuse disposal site in a manner that causes or allows contaminants to be deposited upon the land in such a place and manner so as to create a water pollution hazard in violation of Section 12(d) of the Act.
7. Respondent has operated said refuse disposal site in a manner which caused, threatened or allowed the discharge of contaminants so as to cause or tend to cause air pollution in violation of Section 9(a) of the Act.
8. Respondent has failed to confine the dumping of refuse to the smallest practicable area in violation of Rule 5.03 of the Rules.
9. Respondent has failed to provide adequate daily cover in violation of Rule 5.07(a) of the Rules.
10. Respondent has failed to prevent the deposition of refuse in standing water on the said refuse disposal site in violation of Rule 5.12(c) of the Rules.
11. Respondent has failed to prevent the deposition of liquids or hazardous materials on the said refuse disposal site without written approval from the Environmental Protection Agency, in violation of Rule 5.08 of the Rules.

A hearing concerning this case was held on May 4, 1973, under Hearing Officer, Lawrence E. Kraut. During this hearing a joint Stipulation and recommended settlement was submitted by the Complainant and Respondent, together with the following exhibits:

EPA Group Exhibit No. 1 = 18 inspection reports of the subject landfill site by EPA personnel (Mr. Rene Van Someren and Mr. Staser) from July 8, 1970, to February 19, 1973.

EPA Group Exhibit Nos. 2, 3 and 4, which are sheets of photographs (taken by Mr. Volmer and Mr. Van Someren) that show various scenes at the subject landfill site on the date indicated beside each photograph.

Respondent Exhibit No. 1, which is a photocopy of the City of Morris application of February 9, 1968, to the State of Illinois, Department of Public Health, for registration of a refuse disposal site.

Respondent Exhibit No. 2, which is a photocopy of a letter of February 7, 1973, from Mr. C.E. Clark, Manager of the Surveillance Section, Illinois Environmental Protection Agency, to the Mayor and Council of Morris, Illinois, stating that the subject site "is being operated in general compliance with the requirements of this Agency and the Environmental Protection Act."

The joint Stipulation in the above matter states as follows:

- a. That the Respondent owns, operates and controls the landfill described above and in Paragraph 1 of the Complaint in this case and has done so from on or about July 1, 1970, and continues to do so to the date of the hearing in this matter.
- b. That during the above-mentioned period, Respondent operated its landfill without a permit from the Environmental Protection Agency, as charged in Paragraph 2 above and in the Complaint.
- c. That during this period and particularly on the dates set forth in Paragraphs 3, 4, 8, 9, 10, and 11 of the Complaint, Respondent, in the operation of the aforesaid site, was in violation of Sections 9(c) and 21(b) of the Environmental Protection Act, and of Rules 3.04, 3.05, 5.03, 5.07(a), 5.12(c) and 5.08 of the Rules and Regulations for Refuse Disposal Sites and Facilities, effective pursuant to Section 49(c) of the Environmental Protection Act, all as charged in Paragraphs 3, 4, 8, 9, 10, and 11 above and in the Complaint.

- d. That as of on or about January 9, 1973, the Respondent now operates its site in general compliance with the Rules.
- e. That Respondent has registered its site with the Department of Public Health, and is presently taking steps to obtain a permit from the Environmental Protection Agency to operate the aforesaid site.
- f. Respondent is currently conscious of the need for the protection of our environment and has taken the following steps as evidence of this good faith and efforts:
 - 1. Spent \$969,375 from June, 1970, to November, 1971, for a new secondary sewage treatment plant and trunk lines, which were approved by U.S. and Illinois EPA offices.
 - 2. In March and April, 1973, two contracts, totaling \$320,000, were awarded by the City of Morris (plans approved by Illinois EPA) to improve and extend storm and sanitary sewers in the 4th Ward.
 - 3. The City has now stopped all open burning and has stopped dumping refuse in standing water; it now compacts and covers garbage and refuse on a daily basis; it has employed a new gate tender; it has provided new office facilities for the gate tender which include a portable water supply and sanitary facilities; it has an active program of rodent control; it has installed perimeter fencing on the entire area and portable litter fencing for the immediate dumping area, and has substantially complied with all requests of inspectors as evidenced by recent reports of the Illinois EPA surveillance personnel.
 - 4. The City of Morris is now applying to the Illinois EPA for a permit to operate the subject refuse disposal site.
- g. The Environmental Protection Agency has informed the Respondent that it will recommend to the Pollution Control Board that a penalty of \$400 be assessed for the violations hereby stipulated, but that the joint stipulations made are not conditioned upon the amount of the penalty which may be imposed by the Board.

The Board accepts the statement of violations agreed to in

the joint Stipulation and the improvements effected by the Respondent to achieve compliance.

ORDER

Based upon the violations documented above and the settlement recommended in the joint Stipulation, it is the order of the Board that:

1. Respondent shall secure a valid permit from the Illinois Environmental Protection Agency to operate this refuse disposal site.
2. Respondent shall operate this refuse disposal site in compliance with all applicable rules.
3. Respondent shall pay to the State of Illinois, within 90 days after the date of this Order, the sum of \$400 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Drive, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the above Order was adopted on the 8th day of November, 1973, by a vote of 5 to 0.

Christan L. Moffett