

ILLINOIS POLLUTION CONTROL BOARD
November 14, 1972

ENVIRONMENTAL PROTECTION AGENCY)
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)
)
 v.) PCB 72-288
) PCB 72-436
)
 ACME SOLVENTS RECLAIMING, INC.,)
 a corporation and VITO PUMILIA)
)

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

The first case (PCB 72-288) is an enforcement action alleging that the respondent in the operation of its solvents reclaiming business operated a landfill without an Agency permit in violation of Section 21(e) of the Environmental Protection Act; that they caused the open dumping of refuse in violation of Section 21(a) and 21(b) of the Act and Rules 3.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities; that they allowed the collection of sewage solids and liquids upon the land so as to cause a water pollution hazard in violation of Section 12(d) of the Act; that they disposed of refuse at a site which does not meet the requirements of the Act in violation of Section 21(f) of the Act; that they failed to confine dumping to the smallest practical area in violation of Rule 5.03(a) of the Rules; that they failed to provide daily and final cover in violation of Rules 5.07(a) and 5.07(b) respectively; that they caused liquids and hazardous materials to be deposited at the site in violation of Rule 5.08; and that they failed to provide proper continuing salvage operations in violation of Rule 5.10. All violations are alleged to have occurred continuously from February 17, 1972 until July 7, 1972 and particularly on February 17, 1972, May 16, 1972 and May 17, 1972.

Acme is in the business of reclaiming industrial waste solvents through distillation. They normally recover about eighty percent which is then returned to the customer. The twenty percent which cannot be reclaimed must be disposed of as waste. Acme has been disposing of this waste at its own site near the intersection of Lindenwood and Baxter Roads near the City of Morristown in Winnebago County, Illinois.

Hearing was held on September 25, 1972. The Agency agreed to dismiss Vito Pumilia as respondent. Acme then admitted to all the allegations in the complaint.

The pit into which Acme was dumping was thirty by one hundred feet and two to three feet deep. There was no evidence as to actual contamination of ground water. They plan to pump out the material and incinerate it. At the time of the hearing they were in the process of purchasing an incinerator for that purpose. The incinerator would utilize a 5,000 gallon holding tank and would burn the material everyday so as to avoid large quantities at one time.

Also, there have been around 10,000 to 15,000 barrels dumped on the site. They are now being removed at a rate of 500 per week by truck. After the site is cleaned and pumped out it will be filled with dirt. The project is expected to take about six months to complete.

We find that the violations did occur as alleged and that a penalty of \$2000 would be appropriate under the circumstances. Furthermore, we expect that the site be restored as well and as diligently as possible.

The second case (PCB 72-456) is a Petition for Variance, which was filed on November 9, 1972. The Petition alleges that absolutely no dumping has been done at the site since June 2, 1972 and that they have already removed 4,000 to 5,000 of the barrels from the site. The Petition requests until April 2, 1973 in which to complete the cleanup stating that it would be physically impossible to do so before that time. Inasmuch as we are allowing Acme to clean up and restore the site we find it unnecessary to make any specific ruling on the merits of the variance petition. Therefore we will dismiss the petition, without prejudice as being moot.

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

ORDER

1. Acme shall cease and desist from all violations found in this opinion in accordance with the time schedule or paragraph 2 below.
2. Acme shall restore the site and a cleanup and restoration plan shall be no later than April 2, 1973.
3. Acme shall pay to the State of Illinois a sum of \$2000.00 which shall be a sum of \$2000.00 as a penalty for the violation of the provisions of the Permit to discharge, which is hereby suspended, and the provisions of the State of Illinois Pollution Control Act, Chapter 270, Illinois Compiled Statutes, Environmental Protection Agency, 4000 University Drive, Springfield, Illinois 62708.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 14th day of November, 1972 by a vote of 4-0.

Christian L. Moffett

