

ILLINOIS POLLUTION CONTROL BOARD
January 16, 1973

ENVIRONMENTAL PROTECTION AGENCY)
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)
 v.) #72-16
)
)
 RICHARD McCORMICK)

Prescott E. Bloom, Assistant Attorney General, on behalf of the
Environmental Protection Agency

Edward Zukosky on behalf of Respondent

Opinion and Order of the Board (by Mr. Lawton):

Respondent operates a refuse disposal site located in Evans Township, Marshall County, servicing about thirty nearby towns (R. 89). Respondent uses four trucks, employs seven helpers and has been dumping at this site, some seven miles west of Wenona, for eight years (R. 90-91), depositing about six or seven loads of garbage at the site each day (R. 103).

On January 13, 1972, the Environmental Protection Agency ("Agency") filed a complaint against Respondent, alleging numerous violations of the Illinois Environmental Protection Act (Ill. Rev. Stat., Ch. 111 1/2), hereinafter called the "Act," and the Rules and Regulations for Refuse Disposal Sites and Facilities, hereinafter called the "Refuse Rules," on several separate occasions. Specifically, the complaint charged that Respondent caused or allowed the open dumping of garbage and refuse on seven dates, the open burning of refuse on two dates, the failure to provide adequate daily cover since July 1, 1970 and operation of the site since that date without a permit. With few exceptions, we find the evidence supports the charges of violations as contained in the complaint, and specifically find the following violations to have occurred, as charged, on the dates specified:

1. Open Dumping of Garbage and Refuse: April 22, 1971 (R. 36-41); May 27, 1971 (R. 47-49, 79-81); September 14, 1971 (R. 53-56); September 28, 1971 (R. 13-27, 64; EPA Ex. #1-5); September 29, 1971 (R. 16-22, 27, 65; EPA Ex. 1-5);

2. Open Burning of Refuse: May 27, 1971 (R. 47-49);

3. Failure to Provide Daily Cover: September 15, 1971 (R. 56); September 29, 1971 (R. 65).

While the evidence indicated that there may have been inadequate spreading or compacting of refuse on several occasions (R. 39, 47, 54, 64, 79-81) or blowing litter on others (R. 49, 64-69) we think the complaint was not explicit enough in informing Respondent of these charges, and therefore we are unable to find that such alleged violations occurred.

For the violations found to have occurred, we will order the Respondent to pay a penalty in the amount of \$250.00 to the State of Illinois. We will also require that violations of applicable laws and regulations at the site cease at once, and that Respondent take necessary steps to see that they do not recur.

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

ORDER

1. Respondent shall pay to the State of Illinois, within thirty (30) days of the date of receipt of this Order, the sum of \$250.00 as penalty for the violations found in this proceeding. Payment shall be made by check or money order payable to the State of Illinois, and shall be sent to "Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706."
2. Respondent shall forthwith cease and desist all violations of the Act and Refuse Rules at said landfill site and shall take all necessary steps to see that such violations as found herein do not recur in the future.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this 16th day of January, 1973, by a vote of 3-0.


