

ILLINOIS POLLUTION CONTROL BOARD
July 18, 1972

THE ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
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 v.) PCB 71-240
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CITY OF CHICAGO HEIGHTS)

Mr. Melyn A. Rieff for the Environmental Protection Agency
Mr. Frank E. Glowacki for the Respondent

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

The Environmental Protection Agency filed a complaint against the City of Chicago Heights on August 13, 1971 alleging numerous violations of the Environmental Protection Act and of the Rules and Regulations for Refuse Disposal Sites and Facilities. The City of Chicago Heights has owned and operated for more than 30 years a refuse disposal site known as the Chicago Heights Dump near the Corporate limits of Chicago Heights and South Chicago Heights.

The Agency alleged that Respondent violated the Act and the Rules and Regulations by operating the site: (1) Without first having obtained a permit; (2) Allowing the open dumping of garbage and other refuse; (3) Without adequate operational roads; (4) Without confining the dumping of refuse to the smallest practical area; (5) Without spreading and compacting refuse; and (6) Without providing and applying cover material.

It was further alleged that open burning was allowed on thirteen occasions and that dumping of sewage, solids and/or liquid garbage into an unnamed tributary of Thorn Creek was caused, allowed or threatened.

Prior to a hearing, the parties met and agreed to a stipulation and proposed settlement. The hearing on June 9, 1972 was mainly to receive the statement from the parties. The parties stipulated to the following facts:

1. The respondent is a municipal corporation and is the owner and operator of a refuse disposal site which had been utilized by the City for more than 30 years for the dumping of garbage and other refuse and in that connection open dumping had been

permitted without spreading and compacting the refuse or applying suitable cover.

2. The Respondent did operate said site without a permit until one was received on November 30, 1971, for an adjacent site.
3. Respondent has spent over \$100,000.00 in purchasing equipment and compacting the refuse and garbage and applying suitable cover to the area indicated in Complainant's Amendment to the Complaint.
4. The incidents of open burning on the dates alleged are not denied. However, there have been no incidents of open burning since the last date indicated in the Complaint, namely May 27, 1971.
5. Municipal refuse is now handled in accordance with all laws pertaining thereto on a solid waste disposal site consisting of 15.5 acres pursuant to permit dated November 30, 1971, copy of which is attached hereto and made a part hereof.

The parties proposed three conditions as settlement in this case: a cease and desist order from open dumping, leveling and covering of the area, and a penalty of \$2,500. A check for \$2,500 was deposited with the Agency in anticipation of acceptance of the conditions of the Stipulation by the Board.

We are asked only to judge the reasonableness of the proposed settlement.

The alleged violations if accurately described were flagrant and continued unabated from the date of the Act, July 1, 1970 until May 27, 1971 in the case of open burning and to November 30, 1971 in the matter of a permit. On the other side, Respondent has spent over \$100,000 for equipment and in packing and covering the material on the site and is now in full compliance on an adjacent site with all pertinent provisions of the Act and Rules and Regulations.

Though prompt payment of penalties is to be encouraged, we think it somewhat irregular for Respondent to anticipate Board acceptance of the proposed settlement by depositing the penalty check with the Agency at the time of the hearing.

We hereby accept the provisions of the proposed settlement and they are so ordered.

ORDER

1. The City of Chicago Heights shall cease and desist the open dumping of garbage and other refuse and all other violations of the Environmental Protection Act and Rules and Regulations for Refuse Disposal Sites and Facilities at its site east of a drainage ditch in the area outlined in green on a print attached to the statement submitted by the Parties.
2. The City of Chicago Heights shall complete the leveling and covering of the disposal site at the earliest practicable date and shall report completion of the program to the Agency.
3. The City of Chicago Heights shall, for past violations, pay a penalty of \$2,500 to the State of Illinois and send same to the Environmental Protection Agency, Fiscal Services Division, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted this 18th day of July, 1972, by a vote of 5 to 0.

Christan L. Moffett