ILLINOIS POLLUTION CONTROL BOARD July 18, 1972

ENVIRONMENTAL	PROTECTION	AGENCY)		
)		
)		
	V.)	PCB	72-71
)		
)		
AIRPORT LANDF	ILL, INC.)		

Larry R. Eaton, Assistant Attorney General for the EPA Richard R. Grummon, Esq., for the Respondent

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

The respondent is the owner and operator of a landfill near Springfield, Illinois. The complaint in this case alleges numerous specific violations of both the Environmental Protection Act and the Rules and Regulations for Refuse Disposal Sites and Facilities, including operating without a State permit, failure to confine refuse to the smallest practical area, failure to provide adequate measures to prevent blowing litter at the site and failure to provide daily and final cover. The respondent filed a motion to dismiss the complaint, which we denied June 20.

Thereafter, on June 27, 1972, a stipulation and proposed order was filed by both parties. The stipulation provides that the respondent will immediately apply for a proper State permit for the operation of the landfill site, pursuant to Section 21 (e) of the Act and that the respondent will do all such things that are necessary and reasonably within its ability to obtain said permit at the earliest possible date.

The stipulation further states that the respondent has made every reasonable effort to correct the alleged violations and that it will continue to make every reasonable effort to cease and desist from any further violations of the Act or Rules. The respondent agrees to pay as a penalty for the alleged violations the sum of \$800 upon entry of the agreed order.

It is also stipulated that so long as reasonable efforts are made to comply in all respects with the terms of the stipulated order, the respondent shall at no time be required to cease operation of the aforesaid landfill site.

The Board finds that the stipulation and agreed order are reasonable and acceptable in this case. We feel that perhaps a greater penalty would be more appropriate but we will accept the

stipulated amount because of the immediate steps which already have and will be taken by the respondent to achieve full compliance.

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

ORDER

It is hereby ordered:

- (a) That respondent shall apply immediately to the Environmental Protection Agency to obtain a permit for the operation of the aforesaid landfill site, and do all such other acts as shall be necessary and reasonably within the power of Respondent to do, to obtain such permit at the earliest possible date.
- (b) That respondent shall cease and desist from any and all known violations of the Environmental Protection Act and of the Rules and Regulations for Refuse and Disposal Sites and Facilities.
- (c) That within thirty-five (35) days of the entry of this Order, respondent shall pay a penalty of \$800.00 for alleged past violations set at said landfill site, to the State of Illinois and send same to the Fiscal Services Section of the Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois.
- (d) That so long as all reasonable efforts are made to comply in all respects with the terms of this Order, respondent shall at no time be required to cease operation of the aforesaid landfill site.
- (e) That upon the entry of this Order in this matter, all rights, duties and obligations of the parties hereto and arising out of this Complaint shall deem to have been adjudicated.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 18 day of July, 1972 by a vote of 50

Christan L. Moffett Perk
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

ORDER

Opinion & Order PCB72-71

I CONCUR	I DISSENT		
Mavid Currie David P. Currie	David P. Currie		
Chairman	Chairman		
Samuel K. Widich			
Samuel R. Aldrich Board Member	Samuel R. Aldrich Board Member		
Jacob. D. Dumelle Board Member	Jacob D. Dumelle Board Member		
Donald A. Henss Board Member	Donald A. Henss Board Member		
Samuel T. Lawton, Ur. Board Member	Samuel T. Lawton, Jr. Board Member		
July 18, 1972			