

OR6.

STATE OF ILLINOIS)
) SS:
COUNTY OF GRUNDY)

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

FILED 11/15/73

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

STIPULATION OF FACTS

NOW COMES THE ENVIRONMENTAL PROTECTION AGENCY, (the "Agency")
by WILLIAM J. SCOTT, Attorney General of the State of Illinois,
Complainant, and the CITY OF MORRIS, by its attorney, James L.
Peacock, and hereby stipulates in the above matter as follows:

(1) That the Respondent owns, operates and controls the
landfill described in Paragraph 1 of the Complaint in this case
and has done so from on or about July 1, 1972, and continues to
do so to the date of the hearing in this matter.

(2) That during the above-mentioned period, Respondent
operated its landfill without a permit from the Environmental
Protection Agency, as charged in Paragraph 2 of the Complaint.

(3) 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

1
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EX # 1 5/4/73

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 (hereinafter "Rules") effective pursuant to Section 49(c) of the Environmental Protection Act, all as charged in Paragraphs 3, 4, 8, 9, 10, and 11 of the Complaint.

(4) That as of on or about January 9, 1973, the Respondent now operates its site in general compliance with the Rules.

(5) 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.

(6) 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:

(a) That on June 1, 1970, pursuant to mandate by popular vote held in and for the City of Morris, \$425,000.00 in Revenue Sewer Bonds and \$275,000.00 general obligation bonds were issued for the construction of a secondary sewage treatment facility for said City and for new trunk lines to said facility and one overflow cut off was removed and the other relieved which plant became operational in November, 1971, at a final cost of \$968,374.75 which project was approved by both Federal and State Offices of the E.P.A.

(b) That in March, 1973, a \$278,000.00 contract was approved by the City Council of Morris for the installation of a sanitary sewer designed to separate present combination storm and sanitary facilities serving part of the 4th Ward of said City which plans were approved by the State E.P.A. (E.P.A. Permit #1972-HB-499)

(c) That in April, 1973, a \$92,000.00 contract was awarded to further extend the 4th Ward Sewers and separate combination storm and sanitary sewers in the 4th Ward of the City of Morris which plans were approved by the State E.P.A. (E.P.A. Permit #1972-HB-499)

(d) That 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 E.P.A. surveillance personnel.

(e) That the City of Morris did apply for and did receive from the Department of Public Health of the State

of Illinois the registration of a refuse disposal facility which was done on February 9, 1968, and that the City has been informed that it was not necessary to apply for an E.P.A. Permit until rules and regulations were adopted by the Pollution Control Board and that the City is now undertaking application for an E.P.A. Permit.

(f) That on February 7, 1973, Mr. C. E. Clark, Manager of the Surveillance Section, Division of Land Pollution Control, issued a letter to the Mayor and Council of the City of Morris, a copy of which is attached as an Exhibit indicating that the refuse disposal facility was being operated in general compliance with the E.P.A. Act.

(7) That all inspections, reports and photographs of the site describing conditions thereon on the dates of the violations may be entered into the record of this cause without objection by the Respondent.

(8) That Respondent hereby stipulates that an Order may be entered by the Pollution Control Board finding that the Respondent did cause or allow the aforesaid violations as alleged in the Complaint; ordering the Respondent to secure the necessary permit from the Agency; and ordering the Respondent to operate its landfill site in compliance with all applicable rules. The Agency and Respondent agree that an Order requiring the closing of the aforesaid site at this time pending the issuance of a permit

from the Agency would impose an undue burden on the City and surrounding community, due to the lack of reasonable alternative waste disposal methods, and the present satisfactory operation of the site.

(9) That the Agency has Informed the Respondent that it will recommend to the Pollution Control Board that a penalty of \$400.00 be assessed for the violations hereby stipulated but that the stipulations herein made are not conditioned upon the amount of the penalty which the Board may impose.

CITY OF MORRIS

BY: 

Its Attorney

ENVIRONMENTAL PROTECTION AGENCY

BY: 

DIRECTOR