

ILLINOIS POLLUTION CONTROL BOARD
June 25, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 80-162
)
SERVICE DISPOSAL, INC.,)
a Delaware corporation,)
)
Respondent.)

MR. VINCENT MORETH, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

DILSAVER, GILKERSON & RYAN, ATTORNEYS AT LAW (MR. DAVID C. NELSON, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the September 8, 1980 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, from March 31, 1976 until September 8, 1980, Service Disposal, Inc. (the "Company") operated its solid waste management site ("site"), which is located on approximately 40 acres of land in Coles County, Illinois, in such a manner as to place inadequate daily cover on all exposed refuse in violation of Rules 301 and 305(a) of Chapter 7: Solid Waste Regulations ("Chapter 7") and Sections 21(a)* and 21(b) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from July 21, 1977 until September 8, 1980, the Respondent failed to place adequate intermediate cover on refuse in violation of Rules 301 and 305(b) of Chapter 7 and Sections 21(a) and 21(b) of the Act.

Count III alleged that, from May 6, 1976 until September 8, 1980, the Company failed to place adequate final cover over certain sections of the site in violation of Rules 301 and 305(c) of Chapter 7 and Sections 21(a) and 21(b) of the Act.

*In all counts of the Complaint, violations of Section 21(a) of the Act as amended by Ill. Rev. Stat., 1979, ch. 111½, par. 1021(a) effective January 1, 1980 are alleged to September 8, 1980. The stipulated violations also include these Section 21(a), as amended, violations.

Count IV alleged that, from February 23, 1978 until January 8, 1980, the Respondent failed to properly unload refuse (i.e., to deposit all refuse into the toe of the fill or into the bottom of the trench) in violation of Rules 301 and 303(a) of Chapter 7 and Sections 21(a) and 21(b) of the Act.

Count V alleged that, from February 23, 1978 until September 8, 1980, the Company failed to properly spread and compact refuse in violation of Rules 301 and 303(b) of Chapter 7 and Sections 21(a) and 21(b) of the Act.

Count VI alleged that, from March 31, 1976 until September 8, 1980, the Respondent failed to collect all litter by the end of each working day in violation of Rules 301 and 306 of Chapter 7 and Sections 21(a) and 21(b) of the Act.

Count VII alleged that, from October 19, 1977 until September 8, 1980, the Company accepted large quantities of water treatment sludge at the site without an Agency permit in violation of Rules 301 and 310(b) of Chapter 7 and Sections 21(a) and 21(b) of the Act.

Count VIII alleged that, from May 24, 1978 until September 8, 1980, the Respondent intermittently allowed refuse to be deposited in such a manner as to allow the discharge of contaminants and leachate into the waters of Riley Creek, an Illinois water, thereby causing water pollution in violation of Rules 301 and 313 of Chapter 7 and Sections 12(a), 12(d), 21(a), and 21(b) of the Act.

Count IX alleged that, from May 24, 1978 until September 8, 1980, the Company failed to take adequate measures to monitor and control leachate (i.e., by allowing ponding and runoff of leachate to occur near areas of the site adjacent to Riley Creek) thereby causing water pollution in violation of Rules 301 and 314(e) of Chapter 7 and Sections 21(a) and 21(b) of the Act.

Count X alleged that, from January 30, 1979 until September 8, 1980, the Respondent failed to take proper measures to control vectors (i.e., by allowing a large number of birds to feed on exposed refuse at the site) in violation of Rules 301 and 314(f) of Chapter 7 and Sections 21(a) and 21(b) of the Act.

A hearing was held on May 14, 1981 at which two private citizens commented on the conditions of the public roadway near the landfill.

The parties filed a Statement of Stipulated Settlement on May 26, 1981.

The proposed settlement agreement provides that the Company:
(1) admits each and every allegation contained in the Complaint;
(2) agrees to promptly and properly place final cover on the site by July 1, 1981 according to a specified completion schedule, and
(3) agrees to pay a stipulated penalty of \$5,000.00 . (Stip. 7-10; See: Exhibits A & B).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act and finds the settlement agreement acceptable under Procedural Rule 331.

The Board finds that the Respondent, Service Disposal, Inc., has violated Rules 301, 303(a), 303(b), 305(a), 305(b), 305(c), 306, 310(b), 313, 314(e), and 314(f) of Chapter 7: Solid Waste Regulations and Sections 12(a), 12(d), 21(a), and 21(b) of the Illinois Environmental Protection Act. The stipulated penalty of \$5,000.00 will be assessed against the Respondent.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, Service Disposal, Inc., has violated Rules 301, 303(a), 303(b), 305(a), 305(b), 305(c), 306, 310(b), 313, 314(e), and 314(f) of Chapter 7: Solid Waste Regulations and Sections 12(a), 12(d), 21(a), and 21(b) of the Illinois Environmental Protection Act.

2. Within 30 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$5,000.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

3. The Respondents shall comply with all the terms and conditions of the Statement of Stipulated Settlement filed on May 26, 1981, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 25th day of June, 1981 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board