

ILLINOIS POLLUTION CONTROL BOARD
April 22, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-2
)
 WEAVER TRUCKING CORPORATION, INC.,)
 an Illinois Corporation, GLENN D.)
 WEAVER, an individual, and BESSIE R.)
 WYSS, an individual,)
)
 Respondents.)

Mr. Fredric Benson, Assistant Attorney General, appeared on behalf of the complainant.

Mr. Melvin O. Moehle appeared on behalf of the respondents.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This case comes before the Board upon a complaint filed on January 2, 1975 by the Environmental Protection Agency (Agency). The complaint alleged that Weaver Trucking Corporation and Glenn D. Weaver had leased and operated certain property as a refuse disposal site located in a portion of the Southeast 1/4 of the Southwest 1/4 of Section 9, Township 26 North, Range 3 West, in Tazewell County and that Bessie R. Wyss has owned the aforementioned property at all times pertinent to this complaint. The allegations of Count I are that from July 1, 1970 to July 27, 1973 that Respondent was in violation of Section 21(e) of the Act and that from July 1, 1970 to the date of filing, Respondent was also in violation of Sections 21(a) and 21(b) of the Act. Further allegations were made of violations of day to day operating rules from July 1, 1970 to July 27, 1973 under the Rules and Regulations for Refuse Disposal Sites and Facilities (hereinafter Rules) remaining in effect pursuant to Section 49(c) of the Act; these included violations of Rules 4.02(a), 4.03(a), 4.03(b), 4.03(c), 5.03, 5.04, 5.06, 5.07(a), 5.09, 5.10(a), 5.10(b), and 5.10(d).

Count II alleges a similar mode of operation as to that in Count I; however, Count II alleges these operations from dates of July 27, 1973 to the date of filing this complaint. This period takes into account the current regulations, thus alleging violations of the following of the Pollution Control

Board's Solid Waste Regulations (hereinafter Regulations): 303(b), 305(a), 305(b), 306, 307(b), 307(d), 314(b), 314(e) and 314(f). The Respondents permanently closed the refuse disposal site in question on or about June 29, 1974. Count II further alleges a failure to place final cover and a violation of 305(c) of the Regulations.

February 23, 1976 a hearing was held at Pekin, Illinois. A Stipulation of Facts and Settlement Proposal was presented at the hearing. There was no other testimony.

The Stipulated Facts are as follows. The site in question had been run for about fifteen years prior to June 23, 1974 at which time Mr. Weaver ceased accepting refuse. The site is in a predominantly rural area and if developed with proper engineering and operated in conformity with applicable laws and regulations the property would be suitable to a refuse disposal site.

The site when it was operating was convenient to neighboring communities who would otherwise have had to go farther to dispose of refuse. During this time the site was operated on the average by no more than two people and at a maximum, no more than five.

Respondent Glenn D. Weaver admits the violations alleged in the complaint as they apply to him. From May 14, 1971 to June 10, 1974, twenty-nine inspections of the site were made and twenty-three letters conveying findings of the inspections were sent by the Agency and received by Mr. Weaver. In addition at each inspection either Mr. Weaver or the operator was orally informed as to the deficiencies noted (Stip. at 4). Citizen complaints about the litter were made on January 19, 1973 and March 4, 1974.

The northeast portion of the site drains into one of the tributaries of the Ten Mile Creek. During the use of the site and since remedial measures have been taken leachate has been observed leaving the site and running into a tributary of the Ten Mile Creek.

During an inspection on July 10, 1974 equipment was observed applying a final cover; however, later in 1974 inspections showed areas of uncovered refuse. From January 16, 1975 through February 1975, Mr. Weaver completed applying final cover to the site. This cost Mr. Weaver \$43,167.50 for labor and \$7,140 for equipment rental. Inspection on May 22, 1975 revealed that the cover was generally complete and satisfactory; however, several specific areas needed more work. Mr. Weaver estimated that this work, except for one area, would cost \$4,716.

Under the Settlement Proposal Mr. Weaver agrees to complete closure of the site in accordance with Rule 318 of the Board's Solid Waste Rules and Regulations. Respondent also agrees to: (1) regrade or backfill a ditch flowing northeast from the road at the south central portion of the site; (2) recover eroded portions of the site at its northwest and northeast corners; (3) apply more compacted cover in the northeast corner of the site in order to prevent leaching; (4) correct conditions causing blocked drainage at the end of the site; (5) restrict access to the site; and (6) prepare and seed the site. These actions are to be completed by June 1, 1976 or within sixty days of the Board Order, whichever occurs later.

There is a potential leachate problem on the southern side of the site. The township road district is planning to do some work on the road bordering the southern side of the site. This work is to be done by June 1, 1976 and is expected to eliminate the drainage problem. If the work is not completed by this time, Mr. Weaver will then assume responsibility for preventing water from ponding on the southern portion of the site, and shall complete action to accomplish this goal by July 1, 1976 or within thirty days after the Board Order approving the settlement, whichever occurs later.

Respondent agrees to pay a penalty of \$1,000 for the violations herein admitted. The Agency found this penalty sufficient in view of the fact the site is no longer accepting refuse and that much remedial work at sizeable expenditure was voluntarily performed. The Agency agreed to dismissing Respondents Weaver Trucking Service, Inc., and Bessie R. Wyss without prejudice.

The Board finds the proposed Stipulation of Facts and Settlement Proposal acceptable under Rule 333 of the Procedural Rules.

The Board finds that Respondent Glenn W. Weaver was in violation of the named Rules and Regulations and Sections of the act. A penalty of \$1,000 is assessed for these violations. Considering the number of violations involved this penalty is not large, however, sizeable expenditures and remedial work are mitigating factors.

Respondents Weaver Trucking Service, Inc., and Bessie R. Wyss are dismissed without prejudice.

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

It is the order of the Pollution Control Board that:

1. Respondent Glenn D. Weaver was in violation of the following Rules and Regulations for Refuse Disposal Sites and Facilities remaining in effect pursuant to Section 49(c) of the Act: 4.02(a), 4.03(a), 4.03(b), 4.03(c), 5.03, 5.04, 5.06, 5.07(a), 5.09, 5.10(a), 5.10(b) and 5.10(d); and of the following of the Board's Rules and Regulations for Solid Waste: Chapter 7: 303(b), 305(a), 305(b), 305(c), 306, 307(b), 307(d), 314(b), 314(e) and 314(f); and Sections 21(a), 21(b) and 21(e) of the Environmental Protection Act.
2. Respondents Weaver Trucking Service, Inc., and Bessie R. Wyss are dismissed without prejudice.
3. Mr. Weaver will complete closure of the site in accordance with Rule 318 of the Board's Solid Waste Regulations and in accordance with the six steps outlined in the Stipulation and the body of this opinion within 60 days of this order or June 1, 1976 whichever comes later. If it becomes necessary Mr. Weaver will also do whatever work is required to prevent water from ponding on the southern portion of this site. This shall be completed by July 1, 1976 or within 30 days of this order whichever is later.
4. Respondent Weaver will pay a penalty of \$1,000 for the aforesaid violations. Payment by certified check or money order payable to the State of Illinois shall be made within 35 days of the date of this order to:

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

5. Respondent Weaver will cease and desist further use of the site except for purposes of compliance with this order or the Solid Waste Rules and Regulations of the Board.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22nd day of April, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board