

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1980

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 78-113
)
CITY OF CHICAGO HEIGHTS, a)
municipal corporation; N.W.)
WRECKING CORPORATION, an Illinois)
corporation, previously d/b/a NARDI)
WRECKING COMPANY, INC.: CHICAGO)
HEIGHTS REFUSE DEPOT, INC., an)
Illinois corporation; and SKYLINE)
DISPOSAL CO., INC., an Illinois)
corporation,)
)
Respondents.)

WILLIAM E. BLAKNEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT.

MICHAEL WARD, O'KEEFE, ASHENDER & LYONS, APPEARED ON BEHALF OF RESPONDENTS.

OPINION AND ORDER OF THE BOARD (by I. Goodman):

On April 20, 1978 the Illinois Environmental Protection Agency (Agency) filed this complaint alleging that the City of Chicago Heights, N. W. Wrecking Corporation, Chicago Heights Refuse Depot, and Skyline Disposal Co., Inc have violated certain sections of the Environmental Protection Act and certain rules of the Pollution Control Board with respect to a landfill site located on East End Avenue in Chicago Heights, Illinois. Hearings were held in this matter and the Board has received no public comment.

Pursuant to Procedural Rule 331 the parties have presented a Stipulation of Facts and Proposal for Settlement to the Board for its consideration. The City of Chicago Heights (City) owns and until about August, 1972 operated a landfill site located within the City limits. Subsequent to August, 1972 Nardi & Saia, Inc. and Chicago Heights Refuse Depot, Inc. operated the landfill under license from the City. After filing the complaint the Agency discovered that N. W. Wrecking Corporation and Skyline Disposal Co., Inc. were incorrectly named party respondents in this case. The Agency has filed a motion to dismiss these two parties and the Board hereby dismisses both without prejudice.

The Statement of Facts recites various violations caused or allowed by the City at the landfill site including the following rules of Chapter 7:

Rules 301 (prohibition against operating a landfill unless each requirement of Part III of Chapter 7 is performed); Rule 305(a) (inadequate daily cover); Rule 305(b) (inadequate intermediate cover); Rule 305(c) (inadequate final cover); Rule 303(a) (depositing refuse other than at the toe of the fill or the bottom of the trench); Rule 303(b) (failure to spread and compact refuse in layers within the cell); and Rule 303 (failure to maintain the prescribed slope).

Further, the City caused or allowed the operation of the landfill at the site in such manner that the following Rules of Chapter 3. Water Pollution, were violated with regard to Sauk Creek, which flows near the site:

Rule 203(a) (unnatural color or turbidity) and Rule 203(f) (limit for the contaminant iron).

Therefore, Sections 12(a) and 21(b) of the Act, Ill.Rev.Stat., ch.111½, par. 1012(a) and 1021(b)(1977), were violated.

Respondent, Refuse Depot. has caused or allowed the operation of landfill at the site in such a manner that the following Rules of Chapter 7: Solid Waste, were violated:

Rule 301 (prohibition against operating a landfill unless each requirement of Part III of Chapter 7 is performed); Rule 305(a) (inadequate daily cover); Rule 305(b) (inadequate intermediate cover); and Rule 305(c) (inadequate final cover).

Therefore, Section 21(b) of the Act was violated. The parties agree that subsequent to the filing of the complaint and pursuant to recommendations made by the Agency, Refuse Depot has achieved the following remedial work at the site.

1. Applied final cover over the site;
2. Cut back the south slope to an angle acceptable to the Agency;
3. Commenced monitoring Sauk Creek upstream and downstream of the site; and
4. Commenced monitoring of on-site wells.

The parties herein propose that this matter be settled under the terms and conditions of the Stipulation of Facts and Proposal for Settlement filed September 3, 1980, which document is hereby incorporated by reference as if fully set forth herein. The parties agree that the remedial work described above has corrected to a substantial degree the problems at the site.

The City and the Refuse Depot agree to the following schedule of compliance.

1. Continued monitoring of on-site wells for a period of three years following formal closure of the site;
2. Continued monitoring of Sauk Creek upstream and downstream of the site for a period of three years following the formal closure of the site;
3. Monitoring of gas and settling at the site for a period of three years following closure of the site;
4. Planting of suitable vegetation over the site upon formal closure of the site;
5. Filing of a detailed description of the site, including a plat, with the appropriate county land recording authority following closure of the site;
6. Abating of any gas, water or settling problems which appear during the three year period following closure of the site; and
7. Submission to the Agency on a quarterly basis the monitoring reports described in 1 and 2 above.

In addition the parties agree that a civil penalty of \$1,000 is appropriate in this case, the City agreeing to pay the amount of \$500 for the period of time prior to September, 1975 and Refuse Depot agreeing to pay the amount of \$500 for the period of time after September, 1975.

The Board finds the proposed settlement to be a reasonable resolution of the environmental problem addressed herein. The Board will therefore accept the proposed settlement and will order the parties to execute their duties as contained in the agreement.

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

ORDER

The City of Chicago Heights is found in violation of Rules 301, 305(a), 305(b), 305(c), 303(a), 303(b), and 303 of Chapter 7: Solid Waste and Rules 203(a) and 203(f) of Chapter 3: Water Pollution and Sections 12(a) and 21(b) of the Illinois Environmental Protection Act.

2. Chicago Heights Refuse Depot, Inc. is found in violation of Rules 301, 305(a), 305(b), and 305(c) of Chapter 7: Solid Waste and Section 21(b) of the Illinois Environmental Protection Act.

3. The City of Chicago Heights and Chicago Heights Refuse Depot, Inc. shall execute their duties contained in paragraphs 17 and 18 of the September 3, 1980 Stipulation of Facts and Proposal for Settlement, which is hereby incorporated by reference as if fully set forth herein.


4. The City of Chicago Heights shall pay a penalty of \$500 for the violations found herein, said penalty to be paid within 45 days of the date of this Order to State of Illinois, Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

5. Chicago Heights Refuse Depot, Inc. shall pay a penalty in the amount of \$500 for the violations found herein, said penalty to be paid within 45 days of the date of this Order to State of Illinois, Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

6. Respondents N. W. Wrecking Corporation and Skyline Disposal Company, Inc. are hereby dismissed without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 4th day of December, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board