

ILLINOIS POLLUTION CONTROL BOARD
April 17, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-241
)
CITY OF EARLVILLE, a)
Municipal Corporation,)
)
Respondent.)

MR. PHILIP L. WILLMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

ANDERSON AND ANDERSON, ATTORNEYS AT LAW (MR. THOMAS M. ANDERSON, JR., OF COUNSEL) APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the November 14, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency") which alleged that, from July 14, 1977 until November 14, 1979, the Respondent operated its solid waste disposal site ("site") without an Operating Permit in violation of Rule 202(b)(1) of Chapter 7: Solid Waste Regulations ("Chapter 7") and Section 21(e) of the Illinois Environmental Protection Act ("Act"). A hearing was held on February 11, 1980. The parties filed a Stipulation and Proposal for Settlement on February 26, 1980.

The City of Earlville ("City") operates a sanitary landfill in LaSalle County, Illinois which occupies approximately one-fourth acre of low-lying land immediately adjacent to Indian Creek on the east, and adjoining the railroad tracks (which are owned by the Burlington Northern Railroad Company) on the north and west.

It is stipulated that on July 26, 1977, August 15, 1977, March 9, 1978, September 28, 1978, October 18, 1978, November 14, 1978, March 21, 1979, May 3, 1979, and December 6, 1979, the Respondent allowed the open dumping of refuse (such as concrete, wood, paper, steel reinforcement materials, landscape waste and other debris) at the site without spreading or compacting the material or placing 2 feet of natural earthen cover over the surface. (Stip. 2-3).

The Agency notified the Respondent in writing about the necessity for an Operating Permit on August 17, 1977, August 26,

1977, March 29, 1978, October 26, 1978, and July 1, 1979. Additionally, the Agency recommended that the City discontinue the acceptance of additional refuse; properly spread, compact, and cover all refuse; and obtain the requisite Operating Permit. However, the City failed to respond to the Agency's letters. (Stip. 3).

The proposed settlement agreement provides that the Respondent admits the allegations charged in the Complaint and agrees to: (1) spread, compact, and cover all refuse with at least 2 feet of Agency-approved, clean, natural earthen material by July 31, 1980; (2) grade the side slopes of the site (in a horizontal-vertical ratio of not less than 3:1) by July 31, 1980; (3) seed all the slopes of the site for the purpose of erosion control within 30 days of the application of final cover; (4) not allow the dumping of any additional refuse unless or until the City obtains the necessary Operating Permit; (5) remove any additional refuse dumped at the site, after application of final cover, to an Agency-approved landfill; (6) properly close the site in accordance with Rule 318 of Chapter 7; and (7) pay a stipulated penalty of \$300.00 .

In evaluating this enforcement action and proposed settlement, 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. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, City of Earlville, has operated its sanitary landfill in violation of Rule 202(b)(1) of Chapter 7: Solid Waste Regulations and Section 21(e) of the Act. The stipulated penalty of \$300.00 is assessed against the City.

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, the City of Earlville, has violated Rule 202(b)(1) of Chapter 7: Solid Waste Regulations and Section 21(e) of the Illinois Environmental Protection Act.

2. Within 45 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 \$300.00 which is to be sent to:

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

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed February 26, 1980, 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 17th day of April, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board