

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-147
)
 C.M. FORD,)
)
 Respondent.)

MR. JEFFREY S. HERDEN, ASSISTANT ATTORNEY GENERAL, APPEARED
ON BEHALF OF THE COMPLAINANT.

MR. CHARLES O. HENRY APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board upon a complaint filed by the Environmental Protection Agency (Agency) on June 1, 1977. The complaint alleges that Respondent, C. M. Ford, owns and operates a solid waste management site located in Section 31, Township 31 North, Range 11 East of the Third Principal Meridian in Kankakee County, Illinois, without an operating permit in violation of Rule 202(b)(1) of the Chapter 7: Solid Waste Regulations (Chapter 7) and Section 21(e) of the Environmental Protection Act (Act). A hearing was held in this matter on January 20, 1978. (Because the first transcript had many typographical errors, a second transcript was submitted to the Board. All page references will be to the second transcript.

The landfill in question lies six miles west and one-half mile north of the City of Kankakee (R. 73). The legal description on page five of the transcript does not correspond with that alleged in the complaint; however, Exhibit 1, a real estate contract, which was admitted without objection has a legal description that is the same as that alleged in the complaint. Respondent, C. M. Ford, purchased the land from Waste Management of Illinois, Inc. in June 1975 (Ex. 1, R. 8, 9). Waste Management formerly operated a landfill on the site (R. 26). Mr. Ford has brought paint barrels and landscape waste onto his property allegedly for salvage and to hold washouts (R. 61, 63).

Charles Grigaluaski, an Agency inspector, visited the site on several occasions (R. 28, 31, 36). Pictures taken on those days clearly show that Mr. Ford was accepting refuse on the site (Ex. 3, 5, 7). In addition to the landscape waste there are other forms of waste--small cans and assorted trash (Ex.5).

The paint barrels Respondent claims are salvage for the paint and the barrels (R. 62) were tipped over with paint running on the ground (Ex. 7). The Board finds the evidence sufficient to find that Respondent has been accepting refuse and operating a waste management site without a permit in violation of Rule 202(b)(1) of Chapter 7 and Section 21(e) of the Act.

Mr. Ford claims he doesn't want to run a landfill (R. 73). Respondent cannot claim ignorance of the Board's Rules and Regulations. The Board takes notice that Respondent has appeared before the Board on two previous occasions concerning violations of the Rules and Regulations for Refuse Disposal Sites, PCB 71-307, 3 PCB 503 (1972) and PCB 72-230, 6 PCB 165 (1972). Although these cases concerned a different site, Respondent certainly has knowledge that the rules for the disposal of solid waste must be followed. Respondent has apparently made some effort to improve the situation (R. 66). Mr. Ford did request a meeting to find a solution regarding the site (R. 43, 44). Some refuse was buried and some dirt was placed and graded (R. 66). However, Respondent's pictures attempting to show compliance are of such poor quality they are not much aid to the Board (Resp. Ex. 1, 2).

In making a final determination the Board must consider the factors of Section 33(c) of the Act. A poorly run landfill has the potential to pollute water supplies and attract disease bearing vectors; the permit system was created to protect the public from such injury. No great injury has been shown in this case; however, no great social or economic value is shown either. Clearly the site is of value to Mr. Ford but the general public has nothing to gain from a poorly run landfill. The fact that a properly run site had existed on Respondent's land indicates the site is suitable and that compliance is technically and economically feasible.

It appears Respondent would like the benefits of running a landfill without calling it a landfill. This is contrary to the Environmental Protection Act and the Board's Solid Waste Regulations. Respondent certainly is aware of the Rules. The Board finds that a penalty of \$1000 is necessary to aid the enforcement of the Act in this instance.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Respondent, C. M. Ford is in violation of Rule 202 (b)(1) of the Chapter 7: Solid Waste Regulations and Section 21(e) of the Environmental Protection Act.

2. Respondent shall cease and desist all further violations.
3. Respondent shall pay a penalty of \$1000.00 within 35 days of this order. Payment shall be made by certified check or money order payable to:

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

Mr. Nels Werner concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 21st day of September, 1978 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution
Control Board