

ILLINOIS POLLUTION CONTROL BOARD  
May 6 , 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Complainant, )  
)  
v. ) PCB 76-20  
)  
GOODER-HENRICHSEN COMPANY, INC., )  
an Illinois Corporation, )  
)  
Respondent. )

Mr. James L. Dobrovoly, Assistant Attorney General, appeared for Complainant.  
Mr. Richard A. Zachar appeared for Respondent.

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

This matter comes before the Board upon a complaint filed January 21, 1976 by the Environmental Protection Agency. The complaint alleges the Gooder-Henrichsen Company, Inc. owns a solid waste disposal site located adjacent to State Street, north of Sauk Trail Road in Chicago Heights, Illinois. The complaint further alleges that Respondent has failed to place final cover in violation of Rule 305(c) of the Solid Waste Regulations and Section 21(b) of the Act; and that Respondent has failed to file a detailed description of the site upon completion in violation of Rule 318(c) of the Solid Waste Regulations and Section 21(b) of the Act.

A hearing was held February 23, 1976 in Chicago Heights, Illinois. At that time a Stipulation and Proposal for Settlement was submitted. There was no testimony given.

The facts agreed on are as follows. Gooder-Henrichsen Company has a manufacturing facility at the aforementioned location in Chicago Heights. A portion of a quarry extends into this property. Respondent has used this quarry for the dumping of its own refuse and has permitted the dumping of solid refuse into the quarry by its employees. From time to time other persons, without permission of Respondent, have dumped solid refuse into the portion of the quarry that extends into the property. On or about May 1, 1974 Respondent ceased all dumping of refuse into the quarry and has refused to permit others from so using the quarry. Sixty days after

ceasing use of the quarry final cover had not been placed on the site as required by Rule 305(c) of the Solid Waste Regulations. Respondent has also failed to file a detailed description of the site, including a plat, with the appropriate land recording authority for the county in which the site is located as required by Rule 318(c) of the Solid Waste Regulations. Respondent admits to violations of these two regulations.

At the insistence of the Agency, Respondent has applied final cover. Prior to the filing of the complaint in this case Respondent had made arrangements with a private contractor to apply final cover to the site. This was applied on or about February 20, 1976.

Gooder-Henrichsen has agreed that within thirty days of approval of the Board that a detailed description of the site, including the plat will be filed with the Cook County Recorder's Office. Respondent has also agreed to pay a penalty of \$850 for the aforesaid violations.

The Board finds the Stipulated Agreement to be acceptable under Procedural Rule 333. The Board finds the Gooder-Henrichsen Company in violation of Rule 305(c) of the Solid Waste Regulations and Section 21(b) of the Act. The Board cannot find a violation with respect to Rule 318(c) of the Solid Waste Regulations. Rule 318(c) calls for the filing of a plat upon completion or closure of the site. The site in question was not in violation until final cover was placed on or about February 20, 1976; therefore Respondent could not have been in violation of Rule 318(c) at the time of the filing of the complaint. The allegation of violation of Rule 318(c) is dismissed.

The delay from May 1, 1974 to compliance which is not yet complete is lengthy, but absent apparent environmental damage the penalty is adequate. Gooder-Henrichsen is assessed a penalty of \$850 to be paid within thirty days of this order.

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

#### ORDER

It is the order of the Pollution Control Board that:

1. Gooder-Henrichsen was in violation of Rule 305(c) of the Solid Waste Regulations and Section 21(b) of the Act.

2. The allegation of violation of Rule 318(c) of the Solid Waste Regulations and Section 21(b) of the Act is dismissed.

3. Respondent shall, within thirty (30) days of this order, file a detailed description of the site, including a plat, with the Cook County Recorder's Office.

4. Respondent shall pay a penalty of \$850 for the said violations within thirty (30) days of this order. Payment shall be by certified check or money order, payable to the:

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted the 6<sup>th</sup> day of May, 1976 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board