

ILLINOIS POLLUTION CONTROL BOARD
March 16, 1978

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 77-233
)
MEYER MATERIAL COMPANY,)
an Illinois Corporation,)
)
Respondent.)

Ms. Carol M. Pearce, Assistant Attorney General, appeared on behalf of the Complainant.

Franz, Naughton & Leahy, Attorneys at Law (Mr. William M. Franz, 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 September 13, 1977 Complaint brought by the Illinois Environmental Protection Agency charging Meyer Material Company with continuous violations of Rule 305(c) of Chapter 7: Solid Waste Regulations and Section 21(b) of the Illinois Environmental Protection Act. A hearing was held on February 3, 1978. The parties filed a Stipulation and Proposal for Settlement on February 6, 1978.

Meyer Material Company owned and operated a sanitary landfill in McHenry County, Illinois. This site is located in an area that is encircled on the north, south and west by trees, and, on the east, by a vegetation-covered slope. The site discontinued operation in November of 1972, pending Agency review of a permit application. Permit denials were issued by the Agency on January 12, 1973, February 7, 1974 and again on July 31, 1974.

Subsequently, the Agency filed a Complaint against the Respondent which alleged that, for the last 3 years (i.e., since January 4, 1974), Meyer Material Company had violated Rule 305(c) of the Board's Solid Waste Regulations on final cover and Section 21(b) of the Act by failing to place a compacted layer of not less than two feet of suitable cover material over the surface of the final lift.

In lieu of a full hearing on this matter, the parties submitted a Stipulation of Facts and Proposal for Settlement to the Illinois Pollution Control Board for approval.

Basically, the settlement agreement provided that the Company: (1) admitted that the violations occurred; (2) agreed to complete the application of 2 feet of suitable final cover over the site; (3) agreed to grade and seed the site area no later than May 1, 1978; (4) agreed to file a plat map of the site (indicating all filled areas) and a letter (stating that the site was formerly used as a refuse disposal site) with the McHenry County Recorder of Deeds; and (5) agreed to a stipulated penalty of \$2,000.00 .

Moreover, both parties agreed that it is technically feasible and economically reasonable to apply 2 feet of compacted final cover over the site as required by Rule 305(c) of the Board's Solid Waste Regulations.

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. Incinerator, Inc. v. Illinois Pollution Control Board, 59 Ill. 2d 290, 319 N.E. 2d 794 (1974).

Accordingly, the Board accepts the Stipulation and Proposal for Settlement and finds Meyer Material Company in violation of Rule 305(c) of Chapter 7 and Section 21(b) of the Act from January 4, 1974 until September 13, 1977. The Board imposes the stipulated penalty of \$2,000.00 .

This Opinion and Order constitute 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. Meyer Material Company has violated Rule 305(c) of Chapter 7: Solid Waste Rules and Regulations and Section 21(b) of the Act from January 4, 1974 until September 13, 1977.

2. Within 35 days of the date of this Order, Meyer Material Company shall pay the stipulated penalty of \$2,000.00, payment to be made by certified check or money order to:

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

3. Meyer Material Company shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed February 6, 1978, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16th day of March, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board