

ILLINOIS POLLUTION CONTROL BOARD  
August 8, 1972

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 72-191  
 )  
 EVERETT J. LaVOIE, individually, and )  
 d/b/a LAVOIE SANITARY SERVICE, )  
 )  
 Respondent. )

Larry R. Eaton, Assistant Attorney General for the EPA  
Everett J. LaVoie, pro se

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Respondent, Everett LaVoie, operates a small garbage disposal service in Iroquois County, Illinois. On October 21, 1967, he filed an application with the Illinois Department of Public Health for permission to operate a landfill near Crescent City. The permit was apparently never issued because of local zoning problems. Nevertheless, Respondent did operate the landfill from October, 1967 to March, 1972.

Investigators of the Environmental Protection Agency visited the landfill site on ten occasions from September 28, 1971 to February 23, 1972. Following this investigation, Respondent was charged with numerous violations of the Environmental Protection Act, and the Rules and Regulations for Refuse Disposal Sites and Facilities, and the matter proceeded to hearing on June 29, 1972.

There is no dispute on the essential facts of the case. Initially, Respondent had used a trench system for disposing of waste, but upon discovering a high water table, began using an area fill system. Cover was applied from time to time but not on every day the site was used for dumping. On some days there was no spreading and compacting of refuse, and piles of garbage and refuse accumulated on the site. On other days Respondent did spread and compact the refuse. Failure to cover apparently resulted in a large number of flies observed by an EPA investigator. On one date a smoldering fire was observed. Respondent states that this fire was from a "hot load" of waste which he had to dump from his truck.

The evidence is clear that on a number of occasions Respondent permitted open dumping of garbage and refuse, failed to spread and compact refuse, and failed to provide daily or final cover, all in violation of the law.

Respondent closed the landfill in March, 1972, and plans to cover, landscape and sell the land. He now uses another landfill site and will buy a third truck so that he can make the longer haul.

Considering the intermittent nature and the relatively small scale of the violations, and Respondent's apparent desire to come into compliance with the provisions of the Environmental Protection Act, we believe a penalty of \$250.00 is sufficient in this case. We also will require Respondent to complete the final cover within fifteen days, landscape the area in question, and cease and desist from the violations.

ORDER

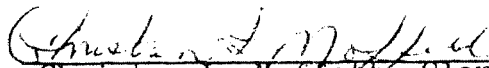
It is hereby ordered:

(1) That Respondent, Everett J. LaVoie, individually, and d/b/a LaVoie Sanitary Service, cease and desist the aforesaid violations.

(2) That Respondent, Everett J. LaVoie, individually, and d/b/a LaVoie Sanitary Service, pay to the State of Illinois (Environmental Protection Agency Fiscal Services Division) a penalty of \$250.00.

(3) That Respondent complete the closing of the complained of site by applying final cover and doing any necessary landscaping within 15 days.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8<sup>th</sup> day of August, 1972 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board