

ILLINOIS POLLUTION CONTROL BOARD  
August 23, 1973

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 71-381  
 )  
 RAYMOND A. PETERSEN and PETERSEN )  
 SAND & GRAVEL, INC., )  
 )  
 Respondents. )

Lee A. Campbell, Assistant Attorney General, on behalf of  
Complainant;  
Kenneth J. Glick on behalf of Respondents.

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

On December 9, 1971, the Agency filed Complaint against Respondents, Raymond A. Petersen, an individual, and Petersen Sand and Gravel, Inc., an Illinois Corporation. Raymond A. Petersen has been since 1952 and continues to be the owner of approximately twenty acres of land located in Libertyville Township, Lake County, Illinois.

The Agency alleges that the Respondents operated a refuse disposal site on the above-mentioned property, from July 1, 1970 to the date of the close of the record, without first having obtained a permit for said operation from the Agency, in violation of Section 21(e) of the Environmental Protection Act, Ch. 111-1/2, §1021(e), Ill. Rev. Stat., (Supp. 1970). The Complaint further alleges that since July 1, 1970, and continuing to the date of the close of the record herein, and particularly including, but not limited to September 3, 1971; September 8, 1971; September 22, 1971; and October 12, 1971, Respondents committed the following violations:

- (1) caused or allowed open dumping of refuse, in violation of Section 21(a) of the Act and Rule 3.04 of the Refuse Rules;
- (2) failed to confine dumping of refuse on the site to the smallest practical area, in violation of Rule 5.03 of the Refuse Rule;

- (3) failed to spread and compact refuse as rapidly as refuse was admitted to the site, in violation of Rule 5.06 of the Refuse Rules;
- (4) failed to cover all exposed refuse at the end of the day with a compacted layer of at least six (6) inches of cover material, in violation of Rule 5.07(a) of the Refuse Rules;
- (5) caused or allowed refuse to be deposited in standing water in violation of Rule 5.12(c) of the Refuse Rules;
- (6) caused, threatened, or allowed contaminants to be deposited upon the land in such place and manner so as to create a water pollution hazard, in violation of Section 12(d) of the Act.

By a Stipulation And Proposal For Settlement entered into by the respective parties on July 12, 1972, Respondents admit to all of the violations of the Act and Refuse Rules as charged.

Beginning sometime in 1955, Respondents began allowing various customers and others to dump waste materials on a portion of the subject property. No dumping of refuse has taken place on the subject property subsequent to the first Agency investigation.

The dumping of refuse which had occurred prior to the Agency investigations was from the top of a pit down a steep slope. The positioning of the refuse on the side slope of the pit made it extremely difficult to spread and compact and to apply daily cover. Thousands of cubic yards of cover have been applied by Respondents to the refuse but much of the cover washed down into the pit and off the refuse. The Respondents have made repeated efforts since the first Agency inspection on September 3, 1971 to cover the accumulated and exposed refuse.

The details on the proposed compliance by Respondents are:

- (1) Respondents represent: That the site will be closed to any further acceptance of refuse until such time as it is in compliance with applicable local ordinances and obtains a permit from the Agency.
- (2) Respondents represent: That all refuse has been properly covered, and if a wash off of cover occurs, any exposed refuse will be promptly covered.

- (3) Respondents represent: That whatever refuse remains in standing water, if any, or in such a position as to be a water pollution hazard, will be promptly removed.

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

IT IS THE ORDER of the Pollution Control Board that Respondents shall:

- (1) close the site to the acceptance of any further refuse until such time as Respondents have complied with applicable local ordinances and also obtained a permit from the Agency.
- (2) completely cover any refuse which becomes uncovered due to wash off of cover and to remove any refuse which remains in standing water or which poses a water pollution hazard.
- (3) cooperate in future inspections of this site by the Agency, in order to assure compliance with the applicable statutory and regulatory standards.
- (4) install a monitoring well at a location to be selected by the Agency.
- (5) pay to the State of Illinois, within 35 days from the date of this Order, the sum of \$1000. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 23<sup>rd</sup> day of August, 1973, by a vote of 3 to 0.

Christan L. Moffett

