

ILLINOIS POLLUTION CONTROL BOARD
August 22, 1972

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 -vs-) PCB 72-99
)
 QUINCY PARK DISTRICT, a Municipal)
 Corporation,)
)
 Respondent.)

Frederick C. Hopper, Assistant Attorney General for the EPA
Charles E. Binkert for Respondent

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

The Environmental Protection Agency has charged Respondent Quincy Park District with numerous violations of the Environmental Protection Act and the Rules and Regulations for Refuse Disposal Sites and Facilities. It is alleged that Respondent operated a refuse disposal site without registration or a permit to do so; permitted open dumping and open burning of refuse; failed to confine dumping to the smallest practical area; failed to have sufficient equipment at the site; failed to spread and compact refuse as rapidly as received; failed to apply daily cover and final cover; and discharged refuse into the waters of the Mississippi River and deposited refuse on its banks to create a water pollution hazard. It is further charged that Respondent threatens to continue these violations.

The evidence shows that the Quincy Park District did operate a landfill at its All American City Park. The park is located near the Mississippi River and the objective of the park district was to raise the grade of a low-lying area which was subject to flooding so that the land could be put to a recreational use. The closest residential area is about two blocks from the site. Since 1966 the park district has deposited material consisting of concrete, rock, wood, trees, brick, lumber, wood chips and building demolition. Other material observed at the site included a small amount of paper, cans and bottles, a refrigerator, a stove and rubber tires. EPA investigators estimated that 90% of the material was **stable** and non-combustible. The landfill covered an area approximately 200 yards by 100 yards. Numerous inspections by the EPA, especially in 1970 and 1971, revealed that there was a failure to cover on a daily basis or apply a final cover.

Seepage of a dark red rusty color and septic odor was observed to enter the waters of the Mississippi from the fill area. The record is not clear as to its source. High water in the spring of the year would reach debris piled on the banks. Burning of diseased trees was terminated in 1970 or 1971.

Photographs of the site reveal the nature of the violations and also indicate that the land **reclamation** project was at least partially successful. The park facilities include a merry-go-round, ferris wheel, log cabin general store, railroad tracks, round house, antique auto museum and maintenance building. Some of the facilities are built upon old fill.

The park authorities apparently considered the landfill a private operation for the public good, not available for dumping by the public, and did not obtain a permit or make any attempt at registration. In October 1970 Kenneth Kramer, **the** Director Executive of the Quincy Park District, told an EPA investigator that "he was aware they didn't have a permit to operate the site and was aware they weren't operating in conformance with the requirements but did indicate he thought they were engaged in a worthwhile project and he plans to continue until their completion" (R. 44).

We agree that the improving of land for recreational use is a worthwhile project, however, the laudable goal does not excuse the operation of a landfill in violation of law. We are especially critical of the park director's conscious disregard for the law after violations had been called to his attention. It is not our custom to impose heavy fines upon units of government, but such deliberate **flouting** of the law must not go entirely unpunished. We believe that a penalty of \$200.00 would be appropriate in addition to an order that Respondent cease and desist from its violations.

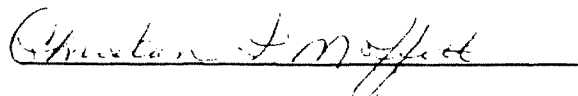
ORDER

It is ordered that:

(1) Respondent Quincy Park District cease and desist from depositing refuse at the All American City Park landfill in violation of law.

(2) Respondent Quincy Park District pay to the State of Illinois (Environmental Protection Agency Fiscal Services Division) a penalty of \$200.00.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 22nd day of August, 1972 by a vote of 5 0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board