

ILLINOIS POLLUTION CONTROL BOARD

May 3, 1973

ENVIRONMENTAL PROTECTION AGENCY

v.

PCB 72-508

VILLAGE OF ALLENDALE

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

This is an enforcement action alleging numerous violations of the Environmental Protection Act and the Rules and Regulations for Refuse Disposal Sites and Facilities. Hearing was held on February 20, 1973. Allendale has a population of 425.

The complaint alleges that the Village has been operating its 4-acre landfill without an Agency permit, in violation of Section 21(e) of the Act. The president of the Village Board admitted to not having a permit. We find that this violation does exist.

The complaint alleges that on numerous specified dates the Village caused or allowed open dumping of both garbage and refuse, in violation of Sections 21(a) and 21(b) of the Act respectively and Rule 3.04 of the Rules. The Agency inspectors testified that on the dates of their visits to the sites there was abundant evidence of open dumping. There were pits that were just filled with materials which had been dumped. We find that the open dumping violations did occur on September 17, 1970, January 5, 1971, February 26, 1971, April 16, 1971, July 26, 1971, August 26, 1971, August 27, 1971, September 27, 1971, September 28, 1971, December 8, 1971, December 9, 1971, January 18, 1972, February, 1972, February 2, 1972, April 18, 1972, June 2, 1972, August 3, 1972, January 4, 1973, January 11, 1973, January 15, 1973 and February 16, 1973,

It is alleged that on numerous dates the Village caused or allowed the open burning of refuse, in violation of Section 9(c) of the Act and Rules 3.05 and 5.12(d). The inspectors testified to burning and smoldering tires, trees and other debris on September 17, 1970, January 4, January 11, 1973, January 15, 1973 and February 16, 1973. In fact, there was a sign posted which actually encouraged the burning. We find that the violations did occur on those dates.

The complaint alleges that the Village failed to install an entrance gate at the site that can be locked, in violation of Rule 4.03 (a). The only date upon which we find this violation is September 17, 1970. It appears that a gate was installed, thereafter.

It is alleged that the Village failed to confine the dumping to the smallest practical area, in violation of Rule 5.03. According to the testimony of one Agency inspector, the refuse was too spread out and could have been confined to a smaller area on July 26, August 26, August 27, September 27, September 28, December 8, December 9, 1971, January 18, February 1, February 2, April 18, June 1, August 3, 1972, January 4, January 11, January 15, and February 16, 1973. We find that the violation did occur on those dates.

The complaint alleges that the Village failed to provide portable fencing to prevent blowing litter and also failed to police the area to collect all scattered material, in violation of Rule 5.04. The inspectors testified that there was no portable fence or policing on September 17, 1970, July 26, August 26, August 27, September 27, September 28, December 8, and December 9, 1971, January 18, February 1, February 2, April 18, June 1, and August 3, 1972, January 4, January 11, January 15 and February 16, 1973. We find that the violations did occur on those dates.

It is alleged that the Village failed to provide sufficient equipment in operational condition to permit the operation of the landfill according to the approved plan, in violation of Rule 5.05. The inspectors testified that there was no equipment at the site on September 17, 1970, April 16, July 26, August 26, August 27, September 27, September 28, December 8, and December 9, 1971, January 18, February 1, February 2, April 18, June 1, August 3, 1972, January 4, January 11, January 15, February 16, 1973. We find that these violations occurred also.

The complaint alleges that the Village failed to properly spread and compact refuse, in violation of Rule 5.06. The testimony shows that there was no spreading or compacting done on July 26, August 26, August 27, September 27, September 28, December 8, December 9, 1971, January 18, February 1, February 2, April 18, June 1, August 3, 1972, January 4, January 11, January 15 and February 16, 1973. We find that these violations also occurred.

It is alleged that the Village failed to provide daily cover, in violation of Rule 5.07(a). The inspectors testified that there was no cover used on September 17, 1970, January 5, February 26, April 16, July 26, August 26, August 27, September 27, September 28, December 8, and December 9, 1971, January 18, February 1, February 2, April 18, June 1, August 3, 1972, January 4, January 11, January 15 and February 16, 1973. We find that these violations also occurred.

The complaint finally alleges that the Village failed to prohibit the deposition of refuse in standing water, in violation of Rule 5.12(c). The testimony shows that this was done on July 26, August 26, August 27, September 27, September 28, December 8 and December 9, 1971, January 18, February 1, February 2, April 18, June 1, August 3, 1972, January 4, January 11, January 15 and February 16. The standing water has become discolored with a scum and oily film on its surface. We find these violations occurred also.

The inspectors' testimony concerning their observations at the site was corroborated by numerous photographs also showing the violations. In addition, the Village did not present any evidence to contradict or refute the Agency's proof. There were also many personal contacts and letters from the Agency to the Village putting them on notice that their landfill was in violation.

The testimony did show that there is no fee charge made for the use of the landfill. For that reason we will not assess as high a penalty as we would if it were being operated for profit. However, the Village must apply for a permit within 30 days from today. Furthermore, all of the other violations found in this opinion must be corrected within a very short time. The penalty will be \$100.

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

ORDER

1. The Village of Allendale shall cease and desist from all violations found in this opinion. It need not close down its operation but must apply for a permit within 30 days.
2. The Village shall, within 30 days of this order, submit to the Board and Agency a full and complete plan for correcting the existing violations. All violations shall be corrected within 90 days of this order.
3. The Village shall pay to the State of Illinois by June 15, 1973 the sum of \$100 as a penalty. 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 Drive, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 3rd day of May, , 1973 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board