

ILLINOIS POLLUTION CONTROL BOARD  
January 24, 1980

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 79-76  
 )  
 S & L SANITATION, INC., a Missouri )  
 corporation; ROGER L. RINNE; LARRY )  
 G. HENDERSON; and JOHN C. HENDERSON, )  
 )  
 Respondents. )

MR. PATRICK J. CHESLEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. GERALD S. REED, ATTORNEY AT LAW, APPEARED ON BEHALF OF RESPONDENT ROGER L. RINNE.

MR. ARLIE TRAUGHBER, ATTORNEY AT LAW, APPEARED ON BEHALF OF RESPONDENTS LARRY G. HENDERSON AND JOHN C. HENDERSON.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a complaint filed on April 5, 1979 by the Environmental Protection Agency (Agency). An amended complaint was filed on May 17, 1979 alleging that Respondents had violated Section 21(e) of the Environmental Protection Act (Act) and Rule 202(a) of Chapter 7: Solid Waste Regulations (Chapter 7) and that Respondents violated Sections 21(a) and (b) of the Act and Rule 301 of Chapter 7 by violating Rules 303(a), 303(b) and 305(a) of Chapter 7. A hearing was held on September 17, 1979 at which time a stipulated agreement was submitted for Board approval.

The stipulated agreement provides that S & L Sanitation, Inc. (S & L) is a Missouri corporation. The officers and directors of the corporation were Roger L. Rinne, John C. Henderson and Larry G. Henderson. According to the stipulation, under the laws of the state and by-laws of S & L the officers and directors control the actions of the company. In this case the main person who ran the operation of S & L was Roger Rinne.

S & L owned a 2.2 acre tract of land located in the north-east quarter of Section 16, Township 6 North [sic], Range 2 West of the Third Principal Meridian in Perry County, Illinois. S & L operated a transfer station at this site. Under normal operation of the transfer site refuse would be brought to that location, com-

pacted and then removed from the site for disposal in a proper landfill. From approximately June 1, 1978 to July 19, 1978 general refuse was allowed to accumulate on the site. On July 19, 1978 the accumulated refuse was placed in a trench and buried at the site. After July 19, 1978 refuse was again allowed to accumulate at the site until September 7, 1978.

Respondent Rinne contends that the reason for such accumulation was a breakdown in the compactor at the site. In order to correct this problem, Mr. Rinne attempted to purchase a new part and also purchased an additional truck to remove refuse from the site.

During this time period the Agency sent four letters to S & L detailing the violations which the Agency felt existed at the site. None of the Respondents replied. None of the Respondents possess a permit issued by the Agency which would allow them to operate the solid waste management site in question.

None of the Respondents made any attempt to comply with the operational requirements of Chapter 7. This resulted in operation of the site in a manner such that not all of the refuse was deposited in the toe of the fill or in the bottom of the trench and it was not spread and compacted in the bottom of the trench. The refuse was not spread and compacted in layers not exceeding two feet in depth as rapidly as it was deposited at the site and a compacted layer of at least six inches of suitable material was not placed on all exposed refuse at the end of each day of operation. The large accumulation of refuse which occurred on the site resulted in odors and a large fly population.

The refuse which accumulated from July 19, 1978 to September 7, 1978 was removed from the site and buried in an adjacent landfill. This work was done by a person to whom the site was sold. The price paid reflected the fact that the work would have to be done.

Respondent Rinne works for S & L full time and received approximately \$12,000 in 1978. Respondent John Henderson was to work one-half the number of hours that Mr. Rinne worked; he received approximately \$5800 compensation for the year 1978. This compensation includes work at other sites. Respondent Larry G. Henderson did not take an active part in the affairs of S & L corporation. S & L Corporation is in bankruptcy.

The parties agree that the transfer station had social and economic value but the value was diminished when the site was not properly operated and large amounts of exposed refuse were allowed to accumulate. It is both technically and economically possible to correct the problems at the site. Presently none of the refuse involved during the period of the complaint is still exposed at the site.

The stipulation provides that John C. Henderson will by December 1, 1979 place cover on the refuse which was buried on the site on July 19, 1979 so that a total of three feet of cover exists over such refuse. In the event that the present owner prohibits the placement of the cover, then John C. Henderson shall pay a penalty of \$500. Roger L. Rinne shall pay a penalty of \$1000 payable in installments of \$250 every three months from the date of this Order. Based on Larry G. Henderson's lack of involvement he will be dismissed. Since S & L Corporation is in bankruptcy and presently there is no realistic possibility of receiving payment of any penalty that would be imposed the Agency agrees to the dismissal of S & L.

The Board finds the stipulated settlement acceptable under Procedural Rule 331. The Board finds Respondents Roger L. Rinne and John C. Henderson in violation of Rule 202(a) of Chapter 7 and Section 21(e) of the Act and Rules 301, 303(a), 303(b) and 305(a) of Chapter 7 and Sections 21(a) and (b) of the Act. Respondents Larry G. Henderson and S & L Sanitation, Inc. are dismissed. Respondent Henderson will provide appropriate cover as provided by the stipulation. Respondent Rinne will pay a penalty of \$1000 as stipulated.

This Opinion constitutes 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. Respondents Roger L. Rinne and John C. Henderson are found in violation of Rule 202(a) of Chapter 7: Solid Waste Regulations and Section 21(e) of the Environmental Protection Act and Rules 301, 303(a), 303(b) and 305(a) of Chapter 7 and Sections 21(a) and (b) of the Act.

2. Respondents Larry G. Henderson and S & L Sanitation, Inc. are dismissed.
3. Respondent John C. Henderson will provide cover as provided by the stipulation incorporated by reference as if completely set forth herein. Should Mr. Henderson be unable to accomplish the covering of the refuse he shall pay a penalty of \$500.
4. Roger L. Rinne shall pay a penalty of \$1000 in installments of \$250 every three months from the date of this Order.
5. Respondents shall, by certified check or money order payable to the State of Illinois, pay civil penalties as specified above which are to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
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 24<sup>th</sup> day of January, 19 7, by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board