

ILLINOIS POLLUTION CONTROL BOARD
October 6, 1994

COUNTY OF DUPAGE,)	
)	
Complainant,)	
)	
v.)	AC 94-75
)	(County No. 94CD693)
)	(Administrative Citation)
WASTE MANAGEMENT OF ILLINOIS,)	
)	
Respondent.)	

ORDER OF THE BOARD:

This matter comes before the Board upon an August 22, 1994 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by DuPage County. A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon Waste Management of Illinois on August 19, 1994. DuPage County alleges that on June 21, 1994, Waste Management of Illinois, present owner and/or operator of a facility located in DuPage County and commonly known to the County as Greene Valley Landfill, violated Section 21(o)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Waste Management of Illinois has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Waste Management of Illinois, has violated the provision alleged in the Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order Waste Management of Illinois shall, by certified check or money order payable to the DuPage County Treasurer, pay a penalty in the amount of \$500.00, which is to be sent to:

Rodd Elges
DuPage County Solid Waste Department
421 N. County Farm Road
Wheaton, Illinois 60187

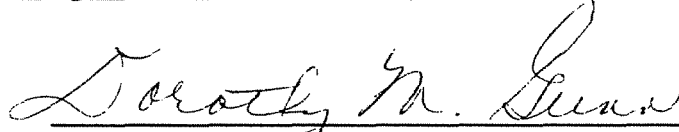
2. Respondent shall include the remittance form and write the case name and number and its social security or federal Employer Identification Number on the certified check or money order.

3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

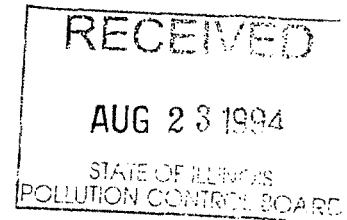
Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 6th day of October, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION



COUNTY OF DUPAGE,

PETITIONER

V.

WASTE MANAGEMENT OF ILLINOIS,

RESPONDENT.

AC 94-75,
State's Attorney
File Nos. 94CD693
94SA694

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Illinois Compiled Statutes, 1992, Ch. 415, par. 5/31.1), and delegated to DuPage County pursuant to Illinois Compiled Statutes, 1992, Ch. 415, par. 5/4.

FACTS

1. Respondent, Waste Management of Illinois, is the present operator of a facility located in the County of DuPage, State of Illinois.
2. Said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1974-30-OP, and designated with Site Code No. 0438030001. Said facility is commonly known to the Agency and DuPage County as Greene Valley Landfill.
3. Respondent has owned or operated said facility at all times pertinent hereto.
4. Respondent was issued a compliance inquiry letter on November 10, 1993, for uncovered refuse remaining from any previous operating day, for inadequate depth of daily cover and for failure to collect and contain litter from the site by the end of each operating day which violations were observed during an inspection by inspector Rodd Elges on November 2, 1993. On November 18, 1993 the Respondent responded in writing to DuPage County (attached hereto as Exhibit "A" and made a part hereof), with regard to the adoption of a new policy to ensure all construction/demolition loads are inspected. At said time the Respondent provided no direct response to the uncovered refuse remaining from any previous operating day.

5. Inspector, Rodd Elges of the County of DuPage, conducted an inspection of said facility on November 30, 1993 at which time he observed uncovered refuse from any previous day operations, inadequate depth of daily cover, and failure to comply with the terms and conditions of the facility's supplemental permit (#1993-140-SP). Administrative Citation 94-4 was served upon Respondent on January 25, 1994 for said violations. A default order was entered by the Illinois Pollution Control Board in this matter as payment was not received by the March 4, 1994 due date. Respondent submitted payment for penalties assessed in this matter to the County of DuPage on March 11, 1994.
6. Inspector, Dean Olson of the County of DuPage, conducted an inspection of the subject facility on December 14, 1993, at which time he observed exposed refuse from any previous day operations, inadequate depth of daily cover, and failure to comply with the terms and conditions of the facility's operating permit. Administrative Citation 94-10 was served upon Respondent on February 9, 1994 for violations observed on the December 14, 1993 inspection. Respondent submitted payment for penalties assessed under Administrative Citation 94-10 to the County of DuPage on March 11, 1994 accompanied by Administrative Citation 94-4 payment.
7. Inspector Rodd Elges of DuPage County, conducted an inspection of said facility on February 12, 1994 at which time he observed uncovered refuse from any previous day operations and inadequate depth of daily cover. Administrative Citation 94-20 was served upon Respondent on April 1, 1994 for said violations. Respondent filed a Petition for Review of Administrative Citation on May 4, 1994, which is presently pending before Administrative Law Judge, Professor Allen Schoenberger.
8. Inspector Dean Olson during an inspection of said facility on May 9, 1994 observed exposed refuse from any previous day operations and inadequate depths of daily cover. The exposed refuse was observed within woodwrecking material which is used at the subject facility as a road base material. Administrative Citation 94-53 was served upon Respondent on July 7, 1994 for violations observed on the May 9, 1994 inspection. Respondent submitted payment for the penalty assessed under Administrative Citation 94-53 on August 11, 1994.
9. On May 11, 1994 the Respondent sent by facsimile a copy of the Respondent's new woodwrecking policy for operations at the subject facility, which policy is attached hereto as Exhibit "B" and incorporated herein by reference.

10. Inspector, Rodd Elges of the County of DuPage, conducted a routine inspection of said facility on June 21, 1994 at which time he observed uncovered refuse from any previous day operations and inadequate depth of daily cover. The exposed refuse was observed within woodwrecking material which is used at the subject facility as a road base material. A verified copy of the inspection report and narrative are attached hereto as Exhibit "C" and incorporated herein by reference.
11. On July 13, 1994, an Administrative Notice was served upon Respondent in response to apparent violations observed during the June 21, 1994 inspection of Inspector Elges (attached as Exhibit "D" and incorporated herein by reference), requiring that the Respondent submit a response setting forth the reasons for the apparent violations and describing in detail the corrective action to be taken to rectify the apparent violations.
12. Respondent submitted a response to Inspector Elges on July 28, 1994 (attached as Exhibit "E" and incorporated herein by reference). In this response, the Respondent states that "the exposed refuse in the C & D woodwrecking pile was covered with soil material after the inspection".

VIOLATIONS

On the basis of Rodd Elges's direct observations, the County of DuPage has determined that Respondent was conducting sanitary landfill operations at the above-described facility, which is required to have a permit pursuant to Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21 (d), in a manner which resulted in the following conditions:

- A. That on June 21, 1994 an on-site inspection of said sanitary landfill facility and a review of Illinois Environmental Protection Agency files and records of said facility, disclosed the following:

- _____ Refuse in standing or flowing water, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(1) [(p)(1)].
- _____ Conducting a sanitary landfill operation in a manner which results in leachate flows exiting the landfill confines, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(2) [formerly (p)(2)].
- _____ Conducting a sanitary landfill operation in a manner which results in leachate flow entering Waters of the State, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(3) [formerly (p)(3)].
- _____ Open burning of refuse, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(4) [formerly (p)(4)].

- X Uncovered refuse remaining from a previous operating day, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(5) [formerly (p)(5)].
- Failure to provide final cover within time limits established by Pollution Control Board regulations, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(6) [formerly (p)(6)].
- Acceptance of wastes without necessary permits, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(7) [formerly (p)(7)].
- Causing or allowing scavenging operations, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(8) [formerly (p)(8)].
- Deposition of refuse in any unpermitted portion of the landfill, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(9) [(p)(9)].
- Acceptance of special waste without a required manifest, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(10) [formerly (p)(10)].
- Failure to submit reports required by permits or pollution Control Board Regulations, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(11) [formerly (p)(11)].
- Failure to collect and contain litter from the site by the end of each operating day, in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(o)(12) [formerly (p)(12)].

CIVIL PENALTY

Pursuant to Illinois Compiled Statutes, 1992, Ch. 415, par. 5/42(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraph A. One violation totalling Five Hundred Dollars (\$500.00) is identified.

Should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein below, and if there is a finding of the violation(s) alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the DuPage County State's Attorney and the Illinois Pollution Control Board, in addition to the Five Hundred Dollar statutory penalty for each finding of violation.

If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than **September 26, 1994**. If you do not petition the Illinois Pollution

Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

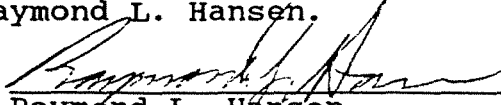
When payment is made, your check should be made payable to the DuPage County Treasurer, and mailed to the attention of Rodd Elges, DuPage County Solid Waste Department, located at 421 N. County Farm Road, Wheaton, Illinois 60187. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest on such penalty will be assessed for the period from the date payment is due until the date payment is received.

Furthermore, if payment is not received when due, the DuPage County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest, and hearing costs of the Illinois Pollution Control Board, if any, the State's Attorney will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Public Act 84-1320 (Illinois Compiled Statutes, 1992, Ch. 415, par. 5/31). If you elect to contest this Administrative Citation, you must file a petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the DuPage County State's Attorney, Attention: Raymond L. Hansen. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and, a copy of said Petition for Review filed with the DuPage County State's Attorney at 505 N. County Farm Road, Wheaton, Illinois 60187, Attention: Raymond L. Hansen.


Raymond L. Hansen
Assistant State's Attorney
For: James E. Ryan
DuPage County State's Attorney

Date: August 18, 1994

RECEIVED
AUG 23 1994
STATE OF ILLINOIS
POLLUTION CONTROL BOARD

AC No. 74-75
State's Attorney
File Nos. 94CD693
94SA694

Please enter the date of your remittance, your Social Security number (SS) if an individual, or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to DuPage County Solid Waste Department, 421 N. County Farm Road, Wheaton, Illinois 60187. Make the check payable to the **DuPage County Treasurer.**