

ILLINOIS POLLUTION CONTROL BOARD

June 7, 2001

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 00-161  
) (Enforcement - Land)  
ETHYL A. VEUGELER, )  
)  
Respondent. )

OPINION AND ORDER OF THE BOARD (by M. McFawn):

On March 24, 2000, the People of the State of Illinois (complainant) filed a four-count complaint against respondents Home State Bank, N.A., as trustee of trust no. 1466 (Home State Bank), and Ethyl A. Veugeler as the beneficiary of trust no. 1466 (respondents). On January 5, 2001, along with a stipulation and proposal for settlement, the complainant filed a motion to voluntarily dismiss Home Bank Trust No. 1466. The Board granted this motion on January 18, 2001. People v. Ethyl A. Veugeler (January 18, 2001), PCB 00-161. In the complaint and the stipulated settlement, Ethyl Veugeler is identified as the owner and operator of McHenry County Sanitary Landfill and Recycling Center (facility or waste disposal site). The facility ceased operation in September 1992, and on July 21, 1995, the Illinois Environmental Protection Agency granted the facility Supplemental Permit No. 1995-147 (Supplemental Permit).

In each of the four counts, complainant alleges that the respondents violated Section 21(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(d)(1) (2000)), as well as several of the waste regulations and various Special Conditions of its Supplemental Permit. In count I, complainant alleges that respondents conducted post-closure care of a waste disposal site with a chief operator who did not have prior conduct certification in violation 35 Ill. Adm. Code 745.181(a) and 745.201(b) and Special Condition No. (A)(3). In count II, complainant alleges that respondents failed to submit a biennial revision of post-closure cost estimate in violation of 35 Ill. Adm. Code 807.623(a) and Special Conditions (A)(4) and (B)(3) of its Supplemental Permit. In count III, complainant alleges that respondents failed to properly submit a demonstration that the monitoring system was capable of determining groundwater quality as required in Special Condition B(1) of its Supplemental Permit, and failed to submit a landfill gas monitoring plan as required in Special Condition B(8) of its Supplemental Permit. In count IV, complainant alleges that respondents failed to conduct quarterly inspections and retain the required records at the facility as required by Special Condition No.(B) 5 of its Supplemental Permit.

On January 5, 2001, complainant filed a stipulation and proposal for settlement accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). Since respondent Home State Bank was dismissed, only Veugeler entered into the stipulation and proposal for settlement.

Pursuant to Section 31(c)(2) of the Act, the complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement (415 ILCS 5/31(c)(2) (2000)). The Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Northwest Herald* on January 10, 2001. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Veugeler admits to the violations alleged by complainant, and agrees to pay a civil penalty of \$7,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Veugeler must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

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

### ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Ethyl A. Veugeler (Veugeler). The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Veugeler must pay a civil penalty of \$7,000. Payment must be made within 30 days of the date of this order, that is, on or before July 9, 2001. Such payment must be made by certified check or money order payable to the Illinois Environmental Protection Agency, and designated to the Environmental Protection Trust Fund. The case number, case name, the site identification number, and Veugeler's social security number must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order must be sent by first class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

Kelly Cartwright  
Assistant Attorney General  
Environmental Bureau  
188 West Randolph Street, 20th Floor  
Chicago, Illinois 60601

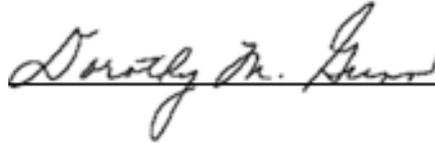
4. Any such penalty not paid within the time prescribed incurs interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003 (2000)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
  - a. Interest on unpaid amounts shall begin to accrue from the date the penalty payment is due and continue to accrue to the date payment is received.
  - b. Where partial payment is made on any payment amount that is due, such partial payment shall be first applied to any interest on unpaid amounts then owing.
  - c. All interest on amounts owed to complainant shall be paid by certified check payable to the Illinois Environmental Protection Agency for deposit in the Environmental Protection Trust Fund and delivered in the same manner as described in paragraphs 2 and 3, above.
5. Veugeler must at all times comply with the terms of the permit as required by the Act and the Board's waste disposal regulations.
6. Veugeler must cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (2000)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of

service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 7th day of June 2001 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board