

ILLINOIS POLLUTION CONTROL BOARD  
April 24, 1986

LANDFILL EMERGENCY ACTION )  
COMMITTEE and ILLINOIS )  
ENVIRONMENTAL PROTECTION )  
AGENCY, )  
)  
)  
Complainants, )  
)  
v. ) PCB 85-9  
)  
MCHENRY COUNTY SANITARY LANDFILL )  
AND RECYCLING CENTER, INC., )  
)  
Respondent. )

INTERIM ORDER OF THE BOARD (by J. Anderson):

The matter before the Board for consideration involves a November 21, 1985 revised stipulation in a citizens' enforcement case concerning operations at the McHenry County Landfill (Landfill). The complaint alleges various violations at the landfill between 1974 and 1983 as noted in Illinois Environmental Protection Agency (Agency) inspection reports. The complaint and original September 10, 1985 stipulation are outlined in the Board's Interim Order of October 10, 1985. In summary, the Board is invited to make findings of violation, and to approve a compliance plan (no penalty) which relates to an allegation concerning leachate seeps from already closed portions of the site caused by erosion or settling.

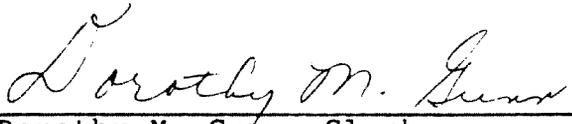
The stipulation requires the Landfill to add \$30,000 to its post-closure care fund. At the end of the 3 year post-closure period required by Board regulations, the Landfill is required to leave \$10,000 (or any lesser remaining balance) in its post-closure care trust fund for an additional 10 years, with payouts to be made pursuant to Agency direction.

The Board notes that the revised stipulation appears to satisfy the concerns earlier articulated by the Board. However, inasmuch as the proposed stipulation would require actions by the Agency, which has not heretofore been a party to this action, the Board on its own motion will join the Agency as a party complainant consistent with 35 Ill. Adm. Code 103.121(c). The Clerk is directed to provide the Agency with a copy of the complete record in this action. The Agency is directed to file comments, including a statement of agreement or disagreement with the role the other parties have proposed it play in the

settlement of this action, on or before May 12. The other parties may file any response comments on or before May 23. Assuming the timely filing of all comments, the Board would anticipate the final disposition of this matter in early June.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 24<sup>th</sup> day of April, 1986, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board