

ILLINOIS POLLUTION CONTROL BOARD  
March 14, 1986

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 85-15  
 )  
BI-STATE DISPOSAL, INC., )  
a Missouri corporation, )  
 )  
Respondent. )

MR. GREIG R. SIEDOR, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. THOMAS J. IMMEL, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by W.J. Nega):

This matter comes before the Board on a three-count Complaint filed on January 28, 1985 by the Illinois Environmental Protection Agency (Agency).

Count I of the Complaint alleged that, from April 20, 1983 until January 28, 1985, the Respondent caused or allowed the operation of its sanitary landfill in St. Clair County, Illinois and conducted a waste-disposal operation at its sanitary landfill without having installed the compacted soil barriers required under the Agency's Supplemental Permit No. 1982-132-SUPP in violation of 35 Ill. Adm. Code 807.301 and 807.302 and Section 21(d)(1) and 21(d)(2) of the Illinois Environmental Protection Act (Act).

Count II alleged that the Respondent failed to operate its sanitary landfill in accordance with regulatory requirements in that the company: (1) failed to properly unload refuse by depositing refuse into the toe of the fill or into the bottom of the trench at various times between April 20, 1983 and January 28, 1985 (including, but not limited to, September 18, 1984) in violation of 35 Ill. Adm. Code 807.301 and 807.303(a) and Section 21(d)(2) of the Act; (2) failed to properly spread and compact refuse at various times between April 20, 1983 and January 28, 1985 (including, but not limited to, March 7, 1984, April 4, 1984, and October 3, 1984) in violation of 35 Ill. Adm. Code 807.301 and 807.303(b) and Section 21(d)(2) of the Act; (3) failed to place the requisite daily cover on exposed refuse from

time to time between April 20, 1983 and January 28, 1985 (including, but not limited to, October 18, 1983, November 22, 1983, January 22, 1984, March 7, 1984, April 4, 1984, May 1, 1984 and September 18, 1984) in violation of 35 Ill. Adm. Code 807.301 and 807.305(a) and Section 21(d)(2) of the Act; (4) failed to provide adequate measures to control leachate at the site from April 20, 1983 until January 28, 1985 in violation of 35 Ill. Adm. Code 807.301 and 807.314(e) and Section 21(d)(2) of the Act; and (5) failed to take adequate measures to control flies at the sanitary landfill from September 14, 1984 until January 28, 1985 (including, but not limited to, October 3, 1984) in violation of 35 Ill. Adm. Code 807.301 and 807.314(f) and Section 21(d)(2) of the Act.

Count III alleged that, from time to time from January 22, 1984 until January 28, 1985 (including, but not limited to, January 23, 1984, January 24, 1984, and August 18, 1984), the Respondent caused or allowed the improper open burning of refuse at its sanitary landfill in violation of 35 Ill. Adm. Code 807.301 and 807.311 and Section 9(c) of the Act.

On January 30, 1985, the Agency filed its Exhibits A and B which had inadvertently been omitted as attachments to the Complaint.

A hearing was held on January 31, 1986 at which no members of the public or the news media were present. (R. 4-5). The parties filed their Stipulation and Proposal for Settlement on February 4, 1986.

The Respondent, Bi-State Disposal, Inc., is a Missouri corporation which is licensed and authorized to do business in Illinois. The company operates its sanitary landfill on a 40-acre site in St. Clair County, Illinois pursuant to Agency Operating Permit No. 1976-39-OP which was issued on April 20, 1982 and Agency Supplemental Permit No. 1982-132-SUPP which was issued on November 1, 1982. (Stip. 2; see: Exhibits A and B).

The parties have stipulated that, on April 20, 1983, October 18, 1983 and April 4, 1984, Agency inspectors observed that the active fill face of the Respondent's sanitary landfill was less than 100 feet from the compacted soil barriers in violation of Special Condition No. 1 of Supplemental Permit No. 1982-132-SUPP which provides that:

"1. The compacted soil barriers shall be installed such that the barriers extend at least 100 feet beyond the active fill face, except where compacted soil barriers have been installed around the entire circumference of the fill area."

(See: Stip., Exhibit B).

Additionally, it is stipulated that the Agency inspectors observed that: (1) refuse received at the landfill was not

deposited either into the toe of the fill or the bottom of the trench on April 20, 1983 and September 18, 1984; (2) refuse received at the landfill had not been spread and compacted on April 20, 1983; March 7, 1984; April 4, 1984, and October 3, 1984; (3) refuse received at the landfill had not been covered with a compacted layer of at least six inches of suitable cover material at the end of a day of operation at the landfill on April 20, 1983, October 18, 1983, November 22, 1983, January 22, 1984, March 7, 1984, April 4, 1984, May 1, 1984, and September 18, 1984; (4) adequate measures to control leachate had not been taken at the landfill on April 20, 1983 and September 18, 1984; (5) adequate measures to control vectors had not been taken at the landfill on September 18, 1984 and October 3, 1984; and (6) open burning at the landfill had taken place on January 22, 1984, January 23, 1984, January 24, 1984 and August 18, 1984. (Stip. 3-4). Accordingly, it is stipulated that the aforementioned facts indicate that the Respondent has violated 35 Ill. Adm. Code 807.301, 807.302, 807.303, 807.305(a), 807.311, 807.314(e) and 807.314(f) as well as Sections 9(c) and 21(d) of the Act. (Stip. 4).

The proposed settlement agreement provided that the Respondent admitted the violations as previously delineated and alleged in the Complaint and agreed to: (1) cease and desist from further violations; (2) follow a specified and agreed-upon compliance program (which was attached as Exhibit C to the Stipulation); and (3) pay a stipulated sum of \$10,000 in the following manner: pay \$5,000.00 into the Illinois Hazardous Waste Fund (Fund) within 30 days of the date of the Board's Order; pay an additional stipulated sum of \$2,500.00 into the same Fund within 90 days of the date of the Board's Order; and pay an additional stipulated sum of \$2,500.00 into the same Fund within 180 days of the date of the Board's Order. (Stip. 4-5).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act and finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180.

The Board finds that the Respondent, Bi-State Disposal, Inc., has, as stipulated, violated 35 Ill. Adm. Code 807.301, 807.302, 807.303, 807.305(a), 807.311, 807.314(e) and 807.314(f) and Sections 9(c) and 21(d) of the Act. The Respondent will be ordered to cease and desist from further violations, to follow the agreed-upon compliance program as set forth in Exhibit C of the Stipulation, and to pay the total stipulated sum of \$10,000 by paying \$5,000.00, \$2,500.00, and \$2,500.00 into the Illinois Hazardous Waste Fund at the agreed-upon time intervals within 30 days, 90 days, and 180 days respectively of the date of the Board's Order.

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. As admitted in the Stipulation, the Respondent, Bi-State Disposal, Inc., has violated 35 Ill. Adm. Code 807.301, 807.302, 807.303, 807.305(a), 807.311, 807.314(e) and 807.314(f) and Sections 9(c) and 21(d) of the Illinois Environmental Protection Act.
2. The Respondent shall cease and desist from all further violations.
3. Within 30 days of the date of this Order, the Respondent shall institute the following compliance program:
  - A. Beginning the second full month after the date of the Board's Order, an operations report shall be submitted by the last day of each month to Mr. Kenneth Mensing, Division of Land Pollution Control, Illinois Environmental Protection Agency, 2009 Mall Street, Collinsville, Illinois, 62234. The operations report shall contain the following information and material:
    - (a) the equipment used at the landfill and the names of the personnel operating such equipment for each day of the month;
    - (b) the amount of cover material applied each day of the month on the active and inactive areas of the landfill;
    - (c) the amount of material stockpiled for use as cover material, recorded on a daily basis;
    - (d) at least six (6) photographs, portraying conditions at the landfill each Saturday after the completion of all weekly operations (including corrective actions), that shall depict the landfill active area, the available stockpile of cover material, and general site conditions and which shall be accompanied by notations identifying the date, time, location and direction of each photograph; and

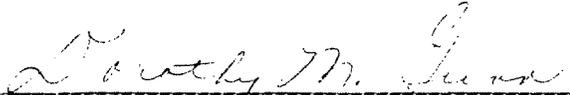
- (e) a narrative description of any problems encountered during the month in maintaining compliance with the rules and regulations of the Illinois Pollution Control Board or this Compliance Program.
  - B. A walk-around of the site shall be conducted at the beginning and end of each operating day for purposes of monitoring and controlling leachate and maintaining the site in compliance with the rules and regulations of the Illinois Pollution Control Board and this Compliance Program.
  - C. At least one employee shall be present at the site each day who is qualified to supervise operations at the landfill and ensure compliance with the rules and regulations of the Illinois Pollution Control Board and this Compliance Program.
4. Within 30 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Illinois Hazardous Waste Fund, pay the stipulated sum of \$5,000.00 which is to be sent to:
- Fiscal Services Division  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706
- An additional stipulated sum of \$2,500.00 and a further additional stipulated sum of another \$2,500.00 shall be, within 90 days of the date of the Board's Order and within 180 days of the date of the Board's Order respectively, paid into the Illinois Hazardous Waste Fund in the same manner as the initial stipulated sum of \$5,000.00, so that a total stipulated sum of \$10,000.00 shall be paid in full within 180 days of the date of the Board's Order. Moreover, the Respondent has waived any right it has to have any unused portion of said payments returned to the Respondent.
5. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on February 4, 1986, which is

incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 14<sup>th</sup> day of March, 1986 by a vote of 6-1.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board