

ILLINOIS POLLUTION CONTROL BOARD  
August 23, 1979

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 79-57  
 )  
JOHN BARR, d/b/a BI-COUNTY )  
DISPOSAL, )  
 )  
Respondent. )

MR. BRIAN E. REYNOLDS, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. JOHN BARR APPEARED PRO SE.

OPINION AND ORDER OF THE BOARD (by Mr. Werner):

This matter comes before the Board on the March 19, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that, from January 21, 1976 until the date of filing of the Complaint, the Respondent operated its solid waste management site ("site") without placing adequate daily cover over exposed refuse in violation of Rule 305(a) of Chapter 7: Solid Waste Regulations ("Chapter 7") and Section 21(b) of the Illinois Environmental Protection Act ("Act"). Count II alleged that, from January 21, 1976 until the date of filing of the Complaint, the Respondent failed to place final cover over portions of the site in violation of Rule 305(c) of Chapter 7 and Section 21(b) of the Act. Count III alleged that, from April 14, 1978 until the date of filing of the Complaint, the Respondent operated the site in such a manner as to cause or threaten or allow the discharge of leachate into the environment thereby creating a water pollution hazard in violation of Rule 313 of Chapter 7 and Sections 12(d) and 21(b) of the Act. Count IV alleged that, from April 14, 1978 until the date of filing of the Complaint, the Respondent failed to provide adequate measures to monitor and control leachate at the site in violation of Rule 314(e) of Chapter 7 and Section 21(b) of the Act. Count V alleged that, from November 10, 1976 until the date of filing of the Complaint, the Respondent failed to install the monitoring well required by its Supplemental Permit and also alleged that, from April 15, 1977 until the date of filing of the Complaint, the Respondent failed to submit to the Agency the laboratory reports of

the quarterly water analysis for total dissolved solids, chlorides, and iron as required by its Supplemental Permit in violation of Rule 302 of Chapter 7 and Section 21(b) of the Act. A hearing was held on June 28, 1979. The parties filed a Stipulation and Proposal for Settlement on August 1, 1979.

The Respondent owns a solid waste management site consisting of 62.5 acres in Nashville, Washington County, Illinois. Although Mr. Barr ceased operations at the site on December 10, 1976, he has a currently valid Agency Operating Permit and Supplemental Permit for this property.

It stipulated that, on ten specified dates between January 21, 1976 and October 30, 1978, inspections by Agency personnel showed that the Respondent failed to apply daily cover on the site. (Stip. 2). Similarly, Agency inspections indicated that the Respondent failed to place final cover over portions of the site on January 21, 1976, September 1, 1978, September 19, 1978, October 19, 1978, and October 30, 1978. (Stip. 2-3). Since January 10, 1976, Agency inspections have shown that the Respondent did not install the requisite monitoring well as mandated by the Supplemental Permit. (Stip. 3). Moreover, from April 15, 1977 until October 15, 1978, the Respondent failed to submit quarterly water analysis reports as required by its Supplemental Permit.

It is also stipulated that, on August 25, 1978, the Agency received a complaint on behalf of Mr. Louis Czhjkowski, who farms the soybean fields east of the Respondent's property. Mr. Czhjkowski stated that leachate from the Respondent's landfill had flowed onto his property and killed some of his soybeans. (R. 10-16). The Stipulation indicates that Agency inspections on August 29, 1978, September 1, 1978, September 19, 1978, and June 21, 1979 have shown that leachate did exist on the site and had flowed into a field south of the site killing approximately 4 rows of soybeans. (Stip 3; R. 6). However, the Respondent owns this field south of the site where the dead soybeans were observed. Although Agency inspectors observed leachate on the Respondent's site flowing in the general direction of Mr. Czhjkowski's bean field, they did not see the leachate actually flowing onto the Czhjkowski property. (Stip. 3; R. 17). Nevertheless, Mr. Czhjkowski maintains that the leachate flow from the Respondent's site has destroyed his crops on several occasions. (R. 6-7; R. 12; R. 16).

The Respondent testified that some of his problems with the Agency were a result of misunderstanding on his part. Mr. Barr stated that he quit operating the landfill about 2 years ago and, because the landfill operations were inactive, as a layman he did not realize it was still necessary to send in water samples to the Agency when he was not using the landfill. (R. 8). Mr. Barr

indicated that he is willing to take whatever steps the Agency deems necessary to control the leachate problem on his site and that he is willing to properly cover and close the landfill. (Stip. 3; R. 8-9; R. 15).

The proposed settlement agreement provides that the Respondent admits the allegations charged in the Complaint and agrees to: (1) cease and desist from further violations, (2) apply final cover and close the site, (3) take adequate measures to control leachate at the site under the direction of Agency inspectors, and (4) pay a stipulated penalty of \$1,000 .

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, Mr. John Barr, d/b/a Bi-County Disposal, has violated Rules 302, 305(a), 305(c), 313 and 314(e) of Chapter 7: Solid Waste Regulations and Sections 12(d) and 21(b) of the Act and orders the Respondent to cease and desist from further violations. The Respondent is hereby ordered to apply final cover and to close the site in compliance with Rule 318 of the Board's Solid Waste Regulations and, under the direction of Agency inspectors, to take adequate measures to control leachate at the site. The stipulated penalty of \$1,000 is hereby assessed against the Respondent.

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. The Respondent has violated Rules 302, 305(a), 305(c), 313, and 314(e) of Chapter 7: Solid Waste Regulations and Sections 12(d) and 21(b) of the Act.
2. The Respondent shall cease and desist from further violations.
3. The Respondent shall apply final cover and close the site in compliance with Rule 318 of Chapter 7: Solid Waste Regulations.
4. The Respondent shall, under the direction of Agency inspectors, take adequate measures to control leachate at the site.

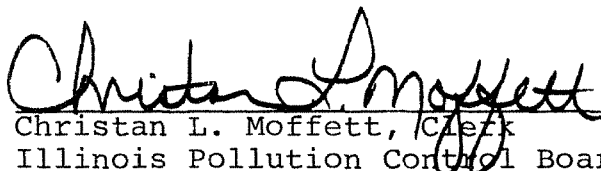
5. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,000 which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

6. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed August 1, 1979, which is incorporated by reference as if fully set forth herein.

Dr. Satchell abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 23<sup>RD</sup> day of August, 1979 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board