

ILLINOIS POLLUTION CONTROL BOARD
October 22, 1981

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 81-121
)	
RUSSELL W. KOSTER and)	
WESLEY KOSTER,)	
)	
Respondents.)	

MR. KENNETH G. ANSPACH, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. RUSSELL W. KOSTER APPEARED PRO SE.

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

This matter comes before the Board on the July 22, 1981 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

The Complaint alleged that the Respondents: (1) allowed the open dumping of refuse (including demolition debris, solid wastes and a variety of junked material) on their farm property on November 22, 1976, February 28, 1977, June 2, 1977, and October 9, 1979 in violation of Section 21(a) of the Illinois Environmental Protection Act ("Act"); (2) operated a solid waste management site, from June 19, 1975 until July 22, 1981, without an Operating Permit from the Agency in violation of Rule 202(b)(1) of Chapter 7: Solid Waste Regulations ("Chapter 7"); and (3) failed to apply adequate final cover over portions of the refuse from June 19, 1975 until July 22, 1981 in violation of Rule 305(c) of Chapter 7.

A hearing was held on September 24, 1981 at which no members of the public attended. The parties filed a Settlement Stipulation on September 29, 1981.

The Respondents, Mr. Russell W. Koster and Mr. Wesley Koster, own a refuse disposal site (the "site") which is located "adjacent to a creek on farm property northwest of the City of Sterling on Science Ridge Road approximately one mile north of Illinois Route 2" in Whiteside County, Illinois. (Stip. 1-2). The Respondents have admitted that the violations alleged in the Complaint did, in fact, occur. (Stip. 2-3).

The proposed settlement agreement provides that the Respondents shall: (1) cease and desist from causing or allowing the open dumping of refuse on their farm property; (2) cease and desist from causing or allowing the use or operation of a solid waste management site on their farm property without the requisite Operating Permit from the Agency; (3) apply suitable final cover on the site within 30 days of the date of the Board's Order in this matter; (4) haul to a landfill permitted by the Agency all items of refuse material at the site which are too large to be covered according to the customary final cover procedure (as well as promptly notifying the Agency that compliance has been achieved); and (5) pay a stipulated penalty of \$250.00 . (Stip. 3-4).

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. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

Accordingly, the Board finds that the Respondents, Mr. Russell W. Koster and Mr. Wesley Koster, have violated Rules 202(b)(1) and 305(c) of Chapter 7: Solid Waste Regulations and Section 21(a) of the Illinois Environmental Protection Act. The Respondents will be ordered to cease and desist from further violations and to pay the stipulated penalty of \$250.00 .

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 Respondents, Mr. Russell W. Koster and Mr. Wesley Koster, have violated Rules 202(b)(1) and 305(c) of Chapter 7: Solid Waste Regulations and Section 21(a) of the Illinois Environmental Protection Act.

2. The Respondents shall cease and desist from further violations.


3. Within 60 days of the date of this Order, the Respondents shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$250.00 which is to be sent to:

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

4. The Respondents shall comply with all the terms and conditions of the Settlement Stipulation filed on September 29, 1981, which is incorporated by reference as if fully set forth herein.

Mr. Goodman abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 22nd day of October, 1981 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board