

ILLINOIS POLLUTION CONTROL BOARD  
June 22, 1978

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 77-313  
 )  
NORBERT BRACHLE, )  
 )  
Respondent. )

STEPHEN GROSSMAK and GEORGE TINKHAM, ASSISTANT ATTORNEYS GENERAL,  
APPEARED ON BEHALF OF THE COMPLAINANT

THOMAS MAGDICH, of KELLER AND MAGDICH, APPEARED ON BEHALF OF  
RESPONDENT.

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

This matter comes before the Board on the Complaint of the Environmental Protection Agency (hereinafter the Agency) filed November 29, 1977 against Norbert Brachle for violation of Sections 21(b) & (e) of the Act and Rule 202(a) of Chapter 7 of the Regulations. The amended Complaint, filed April 5, 1978 alleges additional violations of Rules 301, 303(b), 305(c) and 314(c) of Chapter 7. Hearings were held on March 17, 1978 and May 17, 1978. The parties have agreed to a Stipulation of Facts and Settlement in this case which was submitted at the May 17 hearing. No public comment was offered at the hearings.

Brachle is the owner of property located in Amboy, Illinois, which is used for storage of corn cobs for recycling, and motor vehicle repair and maintenance. In addition, a two acre area on this property has been used by Brachle and various individuals other than Brachle for disposal of refuse including wood, abandoned automobiles and metal. Respondent has not obtained the Operating Permit required for such activity, has not restricted access to the site, and has failed to provide a six inch cover over the refuse deposited at the end of each day.

The Agency became aware of Respondent's violations on April 4, 1974. By June 21, 1974 Brachle had corrected operational deficiencies and closed and covered the property to the satisfaction of the Agency. Inspections by the Agency on ten occasions after June 9, 1975 revealed continued violation of the Act and Solid Waste Regulations. Respondent placed a notice in a local newspaper that he would no longer permit "dumping" on his property but has taken no other action to restrict access to the area.

The Statement of Stipulated Settlement by the parties in this case provides that Brachle will pay a stipulated penalty of \$1,000.00 for his admitted violation of Sections 21(b) & (e) of the Act and Rules 303(b), 305(a) and 314(c) of Chapter 7 of the Board's Regulations. Brachle agrees to undertake a compliance program (Statement of Stipulated Settlement pp. 7-9) which provides for immediate restriction of access to the property and improvements to the area used for dumping which include placement of at least two feet of cover material and seeding with grass. Compliance is to be achieved by June 30, 1978.

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 Act. The Board accepts the Statement of Stipulated Settlement and imposes the stipulated penalty of \$1,000.00

This Opinion and Order constitute 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. Norbert Brachle has violated Sections 21(b) and 21(e) of the Act and Rules 303(b), 305(a) and 314(c) of Chapter 7 of the Board's Regulations from June 9, 1975 until April 5, 1978.
2. Within 45 days of the date of this Order, Norbert Brachle shall pay the stipulated penalty of \$1,000.00, payment to be made by certified check or money order to:

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

3. Norbert Brachle shall comply with all terms and conditions of the Statement of Stipulated Settlement filed June 5, 1978, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22<sup>ND</sup> day of June, 1978 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board