

ILLINOIS POLLUTION CONTROL BOARD
July 12, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-279
)
 LAND AND LAKES LANDFILL CO.)
)
 Respondent.)

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

This matter comes before the Board upon the November 8, 1979 Complaint filed by the Environmental Protection Agency (Agency) charging Land and Lakes Landfill Company (Land and Lakes) with violating Section 12 (a) of the Environmental Protection Act (Act) by allowing the discharge of contaminants from its land into Calumet Lake. The Complaint further alleged that Land and Lakes has not applied for nor presently possesses a National Pollutant Discharge Elimination System (NPDES) Permit in violation of Section 12(f) of the Act. Hearings were held on May 3, 1979 and May 17, 1979. A Stipulation and Proposal for Settlement was filed at the Board on May 18, 1979.

The regulated landfill at issue is located on South Stony Island Avenue in Cook County, Illinois. A drainpipe runs from the above mentioned landfill site to a ditch area and discharges into Lake Calumet. Discharges from the drainpipe consist of liquids from the landfill site, other surface drainage liquids, and at times drainage from neighboring properties. Agency analysis of two grab samples of discharges from the end of the pipe and of discharges flowing to the pipe indicated excess concentration of iron (4 mg/l and 16 mg/l), BOD (85 mg/l and 23 mg/l) and suspended solids (180 mg/l and 280 mg/l). Land and Lakes is surrounded by other landfill sites. Apparently, it is drainage from such sites onto Land and Lakes property which aggravates its situation as drainage is a problem throughout the area (Tr. May 17, pg.4).

Land and Lakes duties under the terms of the Settlement in the Stipulation and Settlement include constructing and maintaining dikes on the border of its property which will prevent polluted waters on neighboring properties from

flowing across the subject property (Stipulation page 4). This would eliminate pollutants from other landfills from concentrating in Land and Lakes drainage system; thus, the pollution problem will become manageable.

Also, under the terms of the Settlement, Land and Lakes shall not cause or allow the discharge of contaminants or pollutants in excess of effluent level standards from the drainage pipe or the property at issue (Stipulation page 4). The diking system should decrease the level of pollutants to such a degree that Land and Lakes will be able to solve the pollution problem now existing. To further maintain control of the situation, the terms of the Settlement require Land and Lakes to document any illegal pumping or diversion of water from adjacent properties onto its property (Stipulation page 4). Thus, Land and Lakes will take further precautions to prevent its drainage system from collecting and concentrating contaminants flowing from the surrounding area.

The terms of the Settlement state that no civil penalty shall be required of Land and Lakes (Stipulation Page 4). Land and Lakes has shown its cooperation by already beginning construction of the diking system (Transcript of May 3, 1979 hearing page 6).

Considering the level of pollution involved and the efforts made by Land and Lakes thus far, the Board finds that further litigation by the parties in this matter is not in the best interests of the People of the State of Illinois. The Board finds that the compliance program developed as a result of the Agency's cooperation with Land and Lakes is a suitable resolution of the problem and that no penalty is necessary.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that:

- 1) Land and Lakes Landfill Company is found to have violated Section 12(a) and Section 12(f) of the Environmental Protection Act.
- 2) Land and Lakes Landfill Company shall comply with the conditions contained in the Stipulation and Settlement Agreement filed before the Board by the parties on May 18, 1979 which Stipulation and Settlement Agreement is hereby incorporated in this Order as if fully set forth herein.

Dr. Satchell abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 12th day of July, 1979 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board