

ILLINOIS POLLUTION CONTROL BOARD  
January 4, 1979

PEOPLE OF THE STATE OF ILLINOIS,                     )  
  )  
  )                     Complainant,                     )  
  )                     )  
  )                     v.                                     )                     PCB 76-308  
  )                     )  
STEPHEN A. KARWOSKI,                                     )  
  )                     )  
  )                     Respondent.                     )

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

The Environmental Protection Agency (Agency) filed a Complaint against Stephen Karwoski on November 30, 1976. A hearing was held in this matter on November 29, 1978. At the hearing, the parties submitted a Stipulation and Proposal for Settlement (Stipulation). No citizen witnesses testified.

The Stipulation indicates that Stephen Karwoski, the Respondent herein, and Dolores Karwoski jointly own a parcel of land in Lockport, Will County, Illinois, upon which Mr. Karwoski has, since 1962, deposited clay, gravel, broken concrete, and clean fill in order to fill a depression. No water courses run through or adjacent to the site. On October 21, 1976, an investigator from the office of the Illinois Attorney General observed large chunks of cement with protruding metal rods, tar paper and roofing debris, and gravel deposited on the property. Mr. Karwoski contends that all these materials, except the gravel, were placed there by persons unknown to him and without his permission. Mr. Karwoski has obtained no permit for operating a solid waste management site from the Agency. By March, 1977, the aforesaid refuse had been removed, and Mr. Karwoski has informed the Agency that only clay and dirt will be used as fill.

The Board finds that Mr. Karwoski operated a solid waste management site without an operating permit issued by the Agency, in violation of Rule 202(b)(1) of the Solid Waste Regulations, and Section 21(e) of the Act. In the Terms of Settlement included in the Stipulation, Mr. Karwoski agrees to the following: to deposit only clay and other non-putrescible earthen materials, gravel of less than 3 inch diameter, and sand upon his property; to remove any other materials placed on the property in the future; and to post his property to deter dumping thereon by third parties. The parties recommend that no monetary penalty be imposed. The Board finds the Terms of Settlement to be adequate to insure protection of the environment and, having considered the Section 33(c) factors, agrees that no penalty is warranted.

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

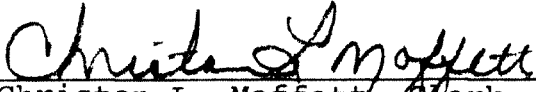
ORDER

It is the Order of the Pollution Control Board that:

- 1) Respondent Stephen A. Karwoski is found to have violated Rule 202(b) of the Solid Waste Regulations and Section 21(e) of the Act;
- 2) Respondent Stephen A. Karwoski may deposit on his property only the following materials: clay and other non-putrescible earthen materials, gravel of less than 3 inch diameter, and sand;
- 3) Respondent Stephen A. Karwoski shall remove any materials placed on his property in the future other than those allowed herein; and
- 4) Respondent Stephen A. Karwoski shall post his property to deter dumping thereon by third parties.

IT IS SO ORDERED.

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

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board