

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1978

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 77-259
)
 JAMES ROBERTSON, d/b/a MASON)
 COUNTY LANDFILL,)
)
 Respondent.)

ANNE K. MARKEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF
OF THE COMPLAINANT.

KNUPPEL, GROSBOLL, BECKER & TICE (MR. ELDON H. BECKER, OF COUNSEL),
ATTORNEYS AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the October 3, 1977
Complaint brought by the People of the State of Illinois charging
James Robertson, d/b/a Mason County Landfill, with violation of
Rule 305(a), 305(b), 305(c), and 310(b) of Chapter 7: Solid Waste
Regulations and Section 21(e) of the Illinois Environmental
Protection Act. A hearing was held on April 14, 1978. The parties
filed a Stipulation and Proposal for Settlement on May 12, 1978.

The Respondent operates a sanitary landfill located east of
Mason City in Mason County, Illinois. This refuse disposal site
has an Agency Operating Permit (No. 1974-19-OP) allowing the
acceptance of solid waste. On March 13, 1975, the Mason County
Landfill received a Supplemental Permit (No. 75-82) to accept
400 gallons per day of waste water treatment sludge from National
By-Products, Mason City. This Supplemental Permit expired on
March 13, 1976.

The stipulated background facts indicate that, about one
month after the Supplemental Permit had expired (i.e., on April 14,
1976), Mr. David Lambert, an Agency field inspector, observed the
Respondent dispose of National By-Products' sludge in the landfill.
Moreover, the inspector also noted that black-liquid scrubber waste
from the Dana Corporation Foundry of Havana, Illinois was accepted

for disposal at the site. Additionally, Mr. Lambert observed a lack of adequate daily cover material on portions of the landfill.

The Agency notified the Mason County Landfill of these observations in a letter dated May 3, 1976. (Exhibit "A"). On May 3, 1976, the Respondent applied for a new Supplemental Permit authorizing acceptance of the National By-Products' sludge, and this permit was granted by the Agency on May 18, 1976. On May 3, 1976, the Mason County Landfill also applied for a Supplemental Permit to allow the disposal of recycled water and sludge from a fan system scrubber at the Dana Corporation Foundry. This Supplemental Permit was granted by the Agency on May 18, 1976, and expired on May 18, 1977.

On January 24, 1977, Mr. R. A. Eisenkoff, an Agency field inspector, visited the site and observed that inadequate daily cover was placed on the waste received by the landfill. On July 27, 1977, Mr. John Diefenback, an Agency field inspector, visited the landfill and noted that the Respondent was still accepting Dana Corporation's scrubber residue and placing inadequate daily cover material on the site. The Mason County landfill was notified about these matters in a letter dated August 8, 1977. (Exhibit "B").

Mr. Diefenback visited the site again on September 22-23, 1977 and September 26-27, 1977. Newly received Dana Corporation scrubber residue was observed at the landfill during the inspections of September 22, 1977 and September 26, 1977. On September 28, 1977, the Respondent met with Agency representatives to discuss the September inspections of the landfill. (Exhibit "C"). The Respondent also submitted an application to the Agency on September 28, 1977 for a Supplement Permit allowing the disposal of the Dana Corporation scrubber residues at the landfill. This Supplemental Permit was then issued on September 28, 1977.

The Respondent admits to having accepted liquid wastes and sludges without Supplemental Permits from the Agency, in violation of Rule 310(b) of the Board's Solid Waste Regulations, on April 14, 1976; July 27, 1977; September 21, 1977; and September 26, 1977. Additionally, the Mason County Landfill admits to having applied inadequate cover to the refuse deposited at the site, in violation of Rule 305 of the Board's Solid Waste Regulations, on April 14, 1976; January 24, 1977; July 27, 1977; September 22, 1977 and September 26, 1977.

The settlement agreement between the parties provides that the Respondent (1) shall not accept any liquid or hazardous wastes or sludges for disposal at the landfill without having

first obtained a Supplemental Permit from the Agency; (2) shall operate the landfill in compliance with all applicable Rules in the Board's Solid Waste Regulations (including Solid Waste Rule 305) and in compliance with any permits issued by the Agency to the Respondent; and (3) shall pay a stipulated penalty of \$200.00 within 35 days of the date of the Board's Order.

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. Incinerator, Inc. v. Illinois Pollution Control Board, 59 Ill. 2d 290, 319 N.E. 2d 794 (1974).

Accordingly, the Board accepts the Stipulation and Proposal for Settlement and finds James Robertson, d/b/a Mason County Landfill, in violation of Rule 305 and Rule 310(b) of Chapter 7: Solid Waste Regulations. The Board imposes the stipulated penalty of \$200.00 .

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. James Robertson, d/b/a Mason County Landfill, has violated Rule 305 and Rule 310(b) of Chapter 7: Solid Waste Rules and Regulations.

2. Within 35 days of the date of this Order, James Robertson, d/b/a Mason County Landfill, shall pay the stipulated penalty of \$200.00 , 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. James Robertson, d/b/a Mason County Landfill, shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed May 12, 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 21st day of September, 1978 by a vote of 4-0.

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