## ILLINOIS POLLUTION CONTROL BOARD December 12, 1972

| ENVIRONMENTAL  | PROTECTION  | AGENCY  | ) | #72-373 |
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| V.             |             |         | ) |         |
|                |             |         | ) |         |
| BAKLEY CONSTRU | JCTION CORP | ORATION | ) |         |

STEVEN G. BONAGUIDI, ASST. ATTORNEY GENERAL, ON BEHALF OF ENVIRONMENTAL PROTECTION AGENCY
PAUL THOMPSON, ON BEHALF OF RESPONDENT

OPINION OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Complaint was filed against Bakley Construction Corporation alleging that Respondent's landfill operation, located in McHenry County, was conducted without a permit as required by Section 22(e) of the Environmental Protection Act and violated the Rules and Regulations for Refuse Disposal Sites and Facilities in the following particulars: Rule 3.04 with respect to open dumping on 13 specified dates; Rule 3.05 with respect to open burning of refuse on one specified date; Rule 4.03(a) with respect to fencing and hours of operation; Rule 5.03 with respect to failure to confine dumping to the smallest practical area on 11 specified dates; Rule 5.06 with respect to spreading and compacting on 14 specified dates; Rule 5.07(a) with respect to failure to provide cover on 14 specified dates; and violation of Section 21(f) of the Act in disposing of refuse in violation of the Regulations on 14 specified dates.

Stipulation was entered into between the parties by which Respondent admitted violation of the Rules and statutory provisions as alleged in the complaint. The stipulation further specifies that all violations ceased and the site was covered on or about October 15, 1972, that Respondent agrees to the entry of a cease and desist order against any further violation and to the imposition of a \$1,000 penalty. The stipulation is not conditioned upon the amount of the penalty which may be imposed by the Board. We feel that the stipulation and penalty provisions are reasonable and will enter our order accordingly.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board that:

- 1. Respondent, Bakley Construction Company, cease and desist operation of its landfill in McHenry County in violation of the Rules and Regulations for Refuse Disposal Sites and Facilities and the Environmental Protection Act;
- 2. Penalty in the amount of \$1,000 is assessed against Bakley Construction Company for violation of Sections 21(b) and 21(f) of the Environmental Protection Act and of Rules 3.04, 3.05, 4.03(a), 5.03, 5.06 and 5.07 of the Rules and Regulations for Refuse Disposal Sites and Facilities on the dates alleged in the complaint and admitted in the Stipulation of Facts. Payment shall be made by certified check or money order by January 16, 1973, made payable to: Environmental Protection Agency, Fiscal Services Division, 2200 Churchill Drive, Springfield, Illinois 62706;
- 3. Respondent shall not conduct any landfill operation at the subject site without first obtaining a permit for such operation from the Environmental Protection Agency.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 12+1 day of December, 1972, by a vote of \_\_\_\_\_.

Christan J