

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 75-162
)
CHICAGO RIDGE LANDFILL COMPANY,)
an Illinois Corporation, and)
WASTE MANAGEMENT OF ILLINOIS, INC.,)
a Delaware Corporation,)
Respondents.)

Mr. Jeffrey S. Herden, Assistant Attorney General, appeared on behalf of the Complainant;
Mr. Kenneth J. Gumbiner, Pedersen & Houpt appeared on behalf of the Respondents.

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

This matter comes before the Pollution Control Board (Board) upon the April 16, 1975, complaint of the Environmental Protection Agency (Agency). The complaint charges Chicago Ridge Landfill Company, an Illinois Corporation (Ridge) and Waste Management of Illinois, Inc. a Delaware Corporation (Waste), with operating a solid waste management site in violation of Rule 202(b)(1) and 301 of the Solid Waste Regulations and Sections 21(b) and 21(e) of the Environmental Protection Act. Two hearings were held, July 11, and August 1, 1975, respectively. A Stipulation and Proposed Settlement was read into the record at the hearing.

Waste has moved to dismiss on the grounds that it has no interest in the sanitary landfill in question. As the Agency has failed to produce any evidence to the contrary, the complaint, as to Waste, is hereby dismissed.

The parties have stipulated that Ridge operated a sanitary landfill in Cook County, Illinois, until January of 1973. However, pursuant to Rule 305(c) of the Solid Waste Regulations, a final cover of suitable material being compacted to not less than two feet must be placed over the entire surface of each portion of the final lift not later than 60 days following the placement of refuse in the final lift. Due to the lack of availability of suitable cover at an economically reasonable cost, Ridge was unable to apply final cover up to the date of the filing of the instant action. Since that time, suitable cover has become available and Ridge is presently applying it to the site.

As Ridge was not accepting refuse after 1973, Counts I and III of the complaint are herewith dismissed. Ridge is found to have violated Rule 301 of the Solid Waste Regulations by failing to provide proper final cover. Ridge has, therefore, violated Section 21(b) of the Act in that it has caused or allowed open dumping in violation of the Board's regulations.

For its violation of Rule 301 and Section 21(b), Ridge has stipulated to a penalty of \$1500.00. In addition, Ridge has stipulated that it will fill in all low areas of the site by October 16, 1975, and complete final cover by January 16, 1976. Ridge has further stipulated to construct, and has already constructed, a berm of suitable earthen material (excluding sand and rock) along the southern edge of the site (between the site and Stony Creek), eight (8) feet wide at the bottom, keyed into virgin soil, and terminated at the top of the final cover, with a minimum width of two (2) feet at the top.

The Board accepts the stipulation entered into between the parties, finding the penalty and actions to be undertaken appropriate. This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Board that:

- 1) The Complaint, herein, be and hereby is dismissed as against Respondent Waste Management of Illinois, Inc.; and
- 2) Counts I and III of the Complaint be and hereby are dismissed as against Respondent Chicago Ridge Landfill Company; and
- 3) Respondent Chicago Ridge Landfill Company is found to have violated Rule 301 of the Solid Waste Regulations and Section 21(b) of the Environmental Protection Act by failing to apply proper final cover to its sanitary landfill site; and
- 4) Respondent Chicago Ridge Landfill Company shall pay as a penalty the sum of \$1500.00, payment to be made within 35 days of the date of this Order, by certified check or money order to:

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

and

5) Respondent Chicago Ridge Landfill Company shall fill in all low areas of the site by October 16, 1975; and

6) Respondent Chicago Ridge Landfill Company shall complete final cover by January 16, 1976; and

7) Respondent Chicago Ridge Landfill Company shall construct a berm of suitable earthen material (excluding sand and rock) along the southern edge of the site (between the site and Stony Creek), which berm should be eight (8) feet wide at the bottom, keyed into virgin soil, and terminated at the top of the final cover, with a minimum width of two (2) feet at the top.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18th day of September 1975 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board