



failure to supervise unloading and failure to provide portable fencing to prevent blowing litter in violation of Rule 5.04 of the Rules;

failure to spread and compact refuse as rapidly as it is admitted into the site into a completed cell in violation of Rule 5.06 of the Rules;

failure to cover exposed refuse with a compacted layer of six inches of cover material daily in violation of Rule 5.07(a) of the Rules; and

allowing scavenging in violation of Rule 5.12(a) of the Rules.

A brief public hearing was held on February 9, 1973, at which time the Agency's exhibits were admitted into evidence and stipulated as to their accuracy (R. 5). The Respondent testified that he has barricaded the property in an attempt to restrict access. He also testified that he did not operate the site as a business venture. The facility has been closed and there has been considerable work done by the Respondent to cover the refuse. The site was, as of the date of hearing, closed.

The Agency inspections indicate a poorly controlled open dump. The inspection of January 20, 1972 (Agency Exhibit 1) indicates that there were no entrance restrictions posted, no site fencing, no confining of dumping area, no supervision of the unloading, no on-site equipment, no daily cover, unsatisfactory spreading and compacting, and no portable fencing. Much the same conditions persisted when the Agency made its inspections of April 14, 1972, May 1, 1972, May 2, 1972, October 19, 1972 (Agency Exhibits 2 through 5). The site was closed when the Agency inspected the facility on December 21, 1972, at which time the site did have signs posted restricting access to it. The site, being closed, did not require daily cover. Photographs were taken of the site on April 14, 1972, May 1, 1972 and May 2, 1972 (Agency Exhibits 9 and 10), graphically depicting many of the violations charged in the complaint. There is no evidence of cover material, no evidence of any attempts to confine the dumping, no evidence of any site restrictions, no evidence of any control over the facility whatsoever. Photographs taken in December of 1972 (Agency Exhibit 8) show the same conditions, only with a coating of snow.

Analysis of the inspection reports (Agency Exhibits 1-6) reveals that these violations occurred on the following dates: January 20, April 14, and October 19, all in 1972; no permit (Section 21(e)); open dumping of refuse (Section 21(b), Rule 3.04); no entrance restrictions and no site fencing (Rule 4.03(a));

unconfined dumping (Rule 5.03); unsatisfactory spreading and compacting (Rule 5.06); insufficient daily cover (Rule 5.07(a)); and failure to supervise unloading and provide fencing for litter control (Rule 5.04). On May 1 and May 2, 1972, the same violations as above took place with the additional violation of open dumping of garbage (Section 21(a)) having occurred. The site, having closed late in 1972, needs only completion of the final cover requirements of the Rules to be in compliance with the Rules and the Act. We find no violation of the prohibition against scavenging. The inspection reports merely recite that the salvaging operation, permissible under the Rules, was unsatisfactory, but the recitals are merely conclusory with no corroborative documentation in the record.

Because the Respondent has obtained a tractor and is completing a final cover of the site, the sanctions against the Respondent are not as great as they otherwise might have been. We will require the Respondent to place final cover on the facility within 60 days of the entry of this Order, cease and desist from violations of the Act and Rules found to have been violated, and not reopen the facility until such time as a permit to do so has been obtained from the Environmental Protection Agency. We will also assess a penalty in the amount of \$500.

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

#### ORDER

1. Respondent shall place final cover on the site within 60 days of the entry of this Order.
2. Respondent shall cease and desist from all violations as found in the Opinion.
3. Respondent shall not open the facility until such time as a permit to do so has been obtained from the Environmental Protection Agency.
4. Respondent shall pay a penalty of \$500. Payment shall be made by certified check or money order payable to the State of Illinois and shall be paid to Fiscal Services Section, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 5<sup>th</sup> day of April, 1973, by a vote of 4 to 0.

Christan L. Moffett

