

ILLINOIS POLLUTION CONTROL BOARD
July 24, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 74-461
)
ELMER CHRISTOPHER JR., d/b/a/)
CHRISTOPHER SANITATION SERVICE,)
Respondent.)

Ms. Marilyn Resch, Assistant Attorney General, appeared on behalf of Complainant.
Mr. Elmer Christopher, Jr. appeared pro se.

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

This matter comes before the Pollution Control Board (Board) upon the December 10, 1974 complaint of the Environmental Protection Agency (Agency). The complaint charges Elmer Christopher, Jr., (Christopher) with operating a solid waste management site in St. Clair County without an Agency issued operating permit from July 27, 1974, to and including December 10, 1974, thus violating Rule 202(b)(1) of the Board's Solid Waste Regulations and Section 21(e) of the Environmental Protection Act (Act).

Respondent has operated a sanitary landfill on a seventeen acre site, east of Caseyville and south of Collinsville, Illinois, since 1968. The operation consists of five employees and three trucks (R15). The site is open three days a week during warm weather (R16) and is closed during the winter months. Christopher produced copies of his County Landfill License (Resp. Ex. 2); a letter from the Illinois Department of Public Health approving the site (Resp. Ex. 1); and a \$10,000 permit bond issued by Maryland Casualty Company. The landfill has not been in operation since November, 1974, when Christopher's engineer died (R20).

The Agency produced copies of ten letters it had sent to Christopher from August 31, 1973, to January 8, 1975, warning Christopher of his need to obtain an Agency permit and that his site may be in violation of other regulations including but not limited to failure to compact and spread refuse as received; inadequate ground cover; and leachate flowing to an adjacent creek (Comp. Ex. 3 through 12).

Christopher applied for an Agency Operating Permit on July 22, 1974. This application was rejected for inadequate information and documentation on or about August 22, 1974 (Comp. Ex. 13). Respondent has made no other application.

The record was devoid of any information with regard to the quantity and quality of refuse accepted at the site, the cost of operation, and any benefit the site might provide the public.

Respondent requested a 90-day continuance within which to complete a program of mitigation of the charges. Said motion was granted and the cause continued until July 9, 1975, by Board Order on April 10, 1975. Respondent has failed to submit any evidence in mitigation as of July 17, 1975.

Based upon the evidence admitted in the hearings held January 17 and February 28, 1975, the Board finds that the Respondent operated a sanitary landfill without an Operating Permit in violation of Rule 202(b)(1) of the Board's Solid Waste Regulations and Section 21(e) of the Act. Said violation occurred from July 27, 1975 to December 10, 1975. In mitigation, Respondent states that he will not operate the landfill until he obtains a proper Agency issued permit to do so. A penalty of \$150.00 is appropriate.

This Opinion constitutes the Board's finding of fact and conclusions of law in this matter.

ORDER

IT IS THE ORDER OF THE BOARD THAT:

(a) Elmer Christopher, Jr., cease and desist from operating its solid waste management site unless it applies for and obtains an appropriate operating permit within 120 days of the date of this Order; and

(b) If Christopher cannot obtain an operating permit, Petitioner is ordered to comply with Rule 305 of the Solid Waste Regulations before permanently closing its facility, said compliance to be accomplished on or before December 22, 1975; and

(c) Elmer Christopher is ordered to pay, within 45 days, a penalty of \$150.00 for the violations of Rule 202(b)(1) of the Solid Waste Regulations and Section 21(e) of the Act found herein. Penalty payment by certified check or money order payable to the State of Illinois shall be made to:

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

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 24th day of July, 1975 by a vote of 5-0.

Christan L. Moffett (gn)
Christan L. Moffett, Clerk
Illinois Pollution Control Board