

ILLINOIS POLLUTION CONTROL BOARD
May 4, 1995

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|----------------------------|---|--------------------|
| PEOPLE OF THE STATE |) | |
| OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 94-84 |
| |) | (Enforcement-Land) |
| WINNEBAGO RECLAMATION |) | |
| SERVICE, INC., an Illinois |) | |
| corporation and WM. LANS |) | |
| SON'S COMPANY an Illinois |) | |
| corporation, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER OF THE BOARD:

This matter comes before the Board upon an eight-count complaint filed March 11, 1994, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Winnebago Reclamation Service, Inc. (Winnebago), an Illinois corporation and Wm. Lans Son's Co., Inc., an Illinois corporation as respondents.

On September 1, 1994, the Board entered an order which dismissed Wm. Lans Son's Co., Inc. and Counts I, II, VII, and VIII. The stipulation filed on March 13, 1995 applies to Winnebago Reclamation Service, Inc. only and is a settlement of the remaining counts, Counts III, IV, V, and VI.

The complaint alleges that Winnebago has violated Sections 21(d)(1), 21(d)(2), and 21(o)(5) of the Environmental Protection Act (Act), (415 ILCS 5/21(d)(1), 5/21(d)(2), and 5/21(o)(5)(1992)), 35 Ill. Adm. Code 807.302, 807.303(b), 807.305(a) and 807.305(c), and Winnebago's Operating Permit No. 1972-24, by the failure to adequately spread and compact the refuse deposited at the landfill, failure to maintain adequate daily and final cover over refuse deposited at the landfill, and failure to adequately limit and control access to the site.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on March 13, 1995. The Board published a notice of the waiver on March 16, 1995; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on March 13, 1995. The Stipulation sets forth facts relating to the

nature, operations and circumstances surrounding the claimed violations. Winnebago does not admit to the alleged violations but agrees to pay a civil penalty of six thousand seven hundred and fifty dollars (\$6,750.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Winnebago, an Illinois corporation located at 8403 Lindenwood Road, in the City of Rockford, Winnebago County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Winnebago shall pay a penalty of six thousand seven hundred and fifty dollars (\$6,750.00) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, Winnebago's Federal Employer Identification Number 36-2917437 and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

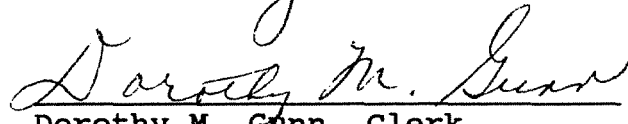
- 3) Winnebago shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 4th day of May, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board