

ILLINOIS POLLUTION CONTROL BOARD

March 15, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 72-385
)
 PAUL LAMBERT and DON LAMBERT,)
)
 Respondents.)

Samuel Morgan, Assistant Attorney General for the EPA
John Peterson, Attorney for Respondents

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Respondents Paul Lambert and Don Lambert own about 15 acres near Route 66 and the City of Plainfield in Will County, Illinois. The Environmental Protection Agency alleges that on 4 dates in 1972: February 15, April 3, May 1 and May 2 Respondents were guilty of the open dumping of refuse, failure to provide daily cover, failure to confine dumping to the smallest practical area and that they failed to provide portable fencing, operational equipment and make physical improvements to the property. It is alleged that the dumping facility was operated without a permit issued by the Environmental Protection Agency.

Upon hearing, it was stipulated by the parties that Respondents owned the property and since February 1972 have operated an open dump without an EPA permit in violation of Section 21, Environmental Protection Act. It was further stipulated that Respondents caused or allowed open dumping of refuse on the 4 dates in question; failed to provide daily cover on those dates; and failed to make "the necessary" physical improvements to the property. The Agency did not submit any evidence regarding the other charges. EPA photographs of the dumping site show large areas of refuse including cans, crates, cardboard boxes, paper, shingles, construction siding, tires, plastic sacks of refuse, junk cars, mattresses, broken glass, bedsprings and piles of underbrush.

Respondent offered testimony in mitigation of penalty. It was established that the Will County Health Department had written a letter to Respondent stating that no permit was needed for the deposition of glass fragments and wastes from a glass company and for the deposition of building rubble. Respondent further testified

that no garbage was permitted on the site, that the public did not have access to the site and that he was no longer accepting junk cars but was simply salvaging those he already had on the property.

In May 1972 Respondent received the Rules and Regulations for Refuse Disposal Sites and Facilities. He then brought 55,000 yards of dirt onto the property to cover the refuse which was shown in EPA photographs. Three or four acres of refuse have now been covered. Respondent has not yet obtained a license for the operation of a landfill although he was advised a year and a half ago that he was in violation of the law and would need a permit. Respondent said the delay occurred because he was "just coasting" until he got the fill dirt.

Respondent has now obtained application forms for the purpose of applying for a permit.

At the present time, Respondent hauls refuse for just one company--the Kerr Glass Company. He receives \$800 per month for this work. The refuse currently being brought onto the property consists of various mixtures of sand, limestone, soda ash, broken glass, a ceramic material used to absorb oil, paper towels, wrappers, wastepaper, wood packing boxes and pallets and brick. The income received from this one hauling contract is a substantial part of Respondent's income.

We find Respondents guilty of open dumping of refuse, failure to provide daily cover and failure to make physical improvements to the property as stipulated. We further find Respondents guilty of operating the facility without an EPA permit. The violations were substantial and Respondent was not prompt in bringing his operation into compliance with the law. We shall impose a financial penalty upon Respondent of \$750. Presumably Respondent has by now submitted his application to the EPA for the issuance of a permit. While that application is pending Respondents may continue to serve his one client--Kerr Glass Company--and shall fully comply with the requirement that daily cover be applied. If the EPA has not issued a permit for the operation of the facility by May 15, 1973 further dumping shall cease, the site shall be closed and final cover applied.

ORDER

It is ordered that:

1. Respondents cease and desist immediately from the violations which are found in this Opinion except that Respondents may continue to haul the refuse of Kerr Glass Company while their application for

a permit is pending. Cover shall be applied on a daily basis. If no permit is issued by May 15, 1973 Respondents shall cease and desist all further dumping operations, shall close the site and apply final cover.

2. Respondents shall pay to the State of Illinois by April 20, 1973 the sum of \$750 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Drive, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 15th day of March, 1973 by a vote of 4 to 0.

Christan L. Moffett