

ILLINOIS POLLUTION CONTROL BOARD
September 15, 1982

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 82-40
)
WILLIAM W. RADER,)
)
Respondent.)

MR. PHILIP L. WILLMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. DAVID L. MARTENSON, MARTENSON, DONOHUE & ALEXANDER, P.C., APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E. Werner):

This matter comes before the Board on the April 9, 1982 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, from January 22, 1976 until April 9, 1982, the Respondent allowed the storage and disposal of wastes such as demolition debris and construction materials not generated by his own activities on his property and allowed the development of a solid waste management site without the requisite Development Permit from the Agency in violation of Rule 201 of Chapter 7: Solid Waste Regulations ("Chapter 7") and Section 21(d) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from January 22, 1976 until April 9, 1982, the Respondent caused or allowed the use of the property as a solid waste management site without an Agency Operating Permit in violation of Rule 202(a) of Chapter 7 and Section 21(d) of the Act.

Count III alleged that, on certain specified dates between January 22, 1976 and April 9, 1982, the Respondent allowed the open dumping of refuse and failed to provide: (1) proper daily, intermediate, and final cover; (2) adequate shelter, sanitary facilities, and emergency communication for employees; (3) sufficient equipment; (4) fencing, gates, or other similar physical barriers to control public access to the site; (5) provisions for concealing operations from public view; (6)

appropriate spreading and compacting of refuse; and (7) adequate measures to monitor and control leachate in violation of Rules 301, 303(b), 304, 305(a), 305(b), 314(a), 314(c), 314(e) and 314(h) of Chapter 7 and Section 21 of the Act.

A hearing was held on July 27, 1982. The parties filed a Statement of Facts and Proposal for Settlement on August 19, 1982.

The Respondent, Mr. William W. Rader, owns approximately 8 acres of land on Camp Grant Island south of the City of Rockford in Rock River, Winnebago County, Illinois (the "site"). The parties have stipulated that the Respondent did, in fact, improperly allow the disposal of wastes such as demolition and construction debris at the site without the requisite permits for such operations. (Stip. 2-3).

The proposed settlement agreement provides that the Respondent admits the violations alleged in the Complaint (with the exception of the violations of Rules 301, 304, and 314(a) of Chapter 7) and agrees to: (1) pay a stipulated penalty of \$5,000.00; (2) within 90 days from the date of the Order, either submit an application to the Agency for a permit to develop the site as a solid waste management site or permanently close the site and place the appropriate final cover over it; and (3) not use or operate the site for the storage or disposal of any waste unless an Operating Permit is obtained from the Agency. (Stip. 5-6).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act and finds the settlement agreement acceptable under Procedural Rule 331. The Board finds that the Respondent, Mr. William W. Rader, has violated Rules 201, 202(a), 303(b), 305(a), 305(b), 305(c), 314(c), 314(e), and 314(h) of Chapter 7 and Section 21(d) of the Act. The Respondent will be ordered to follow the compliance plan set forth in the Stipulation and to pay the stipulated penalty of \$5,000.00.

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

ORDER

It is the Order of the Illinois Pollution control Board that:

1. The Respondent, Mr. William W. Rader, has violated Rules 201, 202(a), 303(b), 305(a), 305(b), 305(c), 314(c), 314(e), and 314(h) of Chapter 7: Solid Waste Regulations and Section 21(d) of the Illinois Environmental Protection Act.

2. Within 60 days of the date of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$5,000.00 which is to be sent to:

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


3. Within 90 days of the date of this Order, the Respondent shall either submit to the Agency an application for a permit to develop the site as a solid waste management site, or permanently close the site and apply the appropriate final cover over the entire surface of the property pursuant to the requirements of Chapter 7: Solid Waste Regulations.

4. The Respondent shall not use or operate the site for the storage or disposal of any waste unless he obtains an Operating Permit from the Agency.

5. The Respondent shall comply with all the terms and conditions of the Statement of Facts and Proposal for Settlement filed on August 19, 1982, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15th day of September, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board