

ILLINOIS POLLUTION CONTROL BOARD
July 16, 1987

IN THE MATTER OF:)
)
ELMHURST CHICAGO STONE COMPANY) AC 87-51
) (87 C D 215)
)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a June 9, 1987 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of DuPage. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Elmhurst Chicago Stone on June 9, 1987. The County of DuPage alleges that Elmhurst Chicago Stone has violated Sections 21(p)(7) and 21(p)(9) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

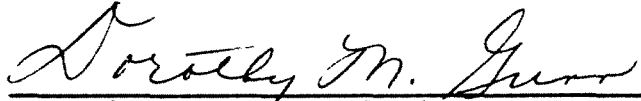
Elmhurst Chicago Stone has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Elmhurst Chicago Stone has violated each and every provision alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Elmhurst Chicago Stone shall, by certified check or money order payable to the County of DuPage, pay a penalty in the amount of \$1000.00, which is to be sent to:

Steven K. Dunn
Environmental Control Manager
DuPage County Department of Public Works
421 North County Farm Road
Wheaton, Illinois 60187

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 16th day of July, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

3. That Respondent has operated said facility at all times pertinent hereto.

4. That on April 16, 1987, Steven K. Dunn, of the County of DuPage, inspected the above-described landfill facility. A copy of the Inspection Report setting forth the results of such inspection is attached hereto and made a part hereof.

VIOLATIONS

On the basis of direct observation of Steven K. Dunn, the County of DuPage has determined that Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1021(d), in a manner which resulted in the following conditions:

1) The operation of a landfill site and the acceptance of wastes without necessary operating permits in violation of Ill.Rev.Stat.(1985), ch. 111 1/2, par. 1021(p) (7).

2) The deposit of refuse in an unpermitted portion of the landfill in violation of Ill.Rev.Stat.(1985), ch. 111 1/2, par. 1021(p) (9).

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1042(b) (4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00)

for each violation specified above in Paragraphs 1) and 2), for a total of one thousand and zero/00 (\$1,000.00) dollars. Additionally, should you elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for each finding of violation.

If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than July 23, 1987. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to The County of DuPage and mailed to The DuPage County Department of Public Works, Attention: Steven K. Dunn, Environmental Control Manager, 421 North County Farm Road, Wheaton, Illinois 60187.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall


take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. Furthermore, if payment is not received when due, the DuPage County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Pollution Control Board, if any, the State's Attorney's office will seek to recover its costs of litigation.

PROCEDURE FOR CONTESTING THIS

ADMINISTRATIVE CITATION

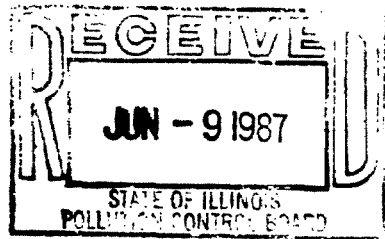
You have the right to contest this Administrative Citation. See Public Act 84-1320 (Ill.Rev.Stat. 1986, Supp., ch. 111 1/2, par. 1031.1). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the DuPage County State's Attorney, attention: Gretta Tameling, at 207 South Reber Street, Wheaton, Illinois 60187. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and, a copy

of said Petition for Review filed with the State's Attorney
at 207 South Reber Street, Wheaton, Illinois 60187.



GRETTA A. TAMELING,
Assistant State's Attorney

Date: 6/8/87



STATE OF ILLINOIS
COUNTY OF DUPAGE

People of the State of Illinois)	
)	
Petitioner,)	
)	<i>AC 87-51</i>
v.)	87 C D 215
)	
Elmhurst Chicago Stone Company,)	
)	
Respondent.)	

AFFIDAVIT

Affiant, Steven K. Dunn, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of DuPage and has been so employed at all times pertinent hereto.

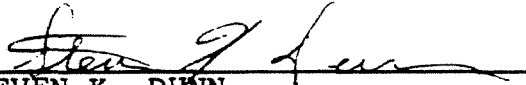
2. On April 16, 1987, between 11:25 a.m. and 12:10 p.m., Affiant conducted an inspection of the sanitary landfill in DuPage County, Illinois, known as the Elmhurst Chicago Stone Quarry, Illinois Environmental Protection Agency Site No. 0430350002, operating under IEPA Developmental Permit No. 1980-3-DE and Supplemental Permit 1980-2990.

3. Affiant inspected said Elmhurst Chicago Stone Quarry landfill site by an on-site inspection which included walking the site and interviewing personnel.

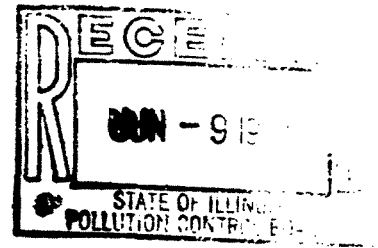
4. Before and after said inspection of said landfill site, Affiant reviewed Illinois Environmental Protection Agency permits issued to the subject site and investigated

whether or not required documents were timely filed on behalf of the subject site.

5. As a result of the activities referred to in Paragraphs 3 and 4 above, Affiant completed the Inspection Report Form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to the Elmhurst Chicago Stone Quarry Landfill.


STEVEN K. DUNN,
Environmental Control Manager
For DuPage County

Date: June 9, 1987



STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY INSPECTION REPORT

AC 87-51

County DuPage Site Code 0430350002
Facility Elmhurst-Chicago Stone Region 2 Date April 16, 1987
Time: From 11:25 a.m. To 12:10 p.m. Photos Taken: Yes (# 11) No ()
Site Open: Yes (X) No () Inspector(s) Steve Dunn & C. Grunmann, P. Reed
Samples Taken: Yes (#) No (X) Groundwater (#) Surface (#) Other (#)
Interviewed C. Hammersmithe Weather 50's - wet Facility Phone No. 312/832-4000
Previous Inspection September 16, 1986 Previous Correspondence September 22, 1986

OPERATIONAL STATUS: TYPE OF OPERATION: AUTHORIZATION:
Operating (X) Sanitary Landfill (X) EPA OP Permit No.
Temporarily Closed () Special Waste Landfill () EPA DE Permit No. 1980-3-DE
Closed not Covered () Quantity Received Daily Other Suppl. Perm. 1980-2990
Closed and Covered () (1-6) None

SITE OBSERVATION

- Failure to comply with the terms and conditions of permit(s) Development of site is not in accordance with approved plans (Section 807.302 of the Regulations) 1. X
Failure to deposit refuse in the toe of the fill or into the bottom of the trench (Section 807.303(a) of the Regulations) 2. X
Inadequate spreading and compacting (Section 807.303(b) of the Regulations) 3.
Failure to maintain the proper ratio of the slope of the working face (Section 807.303(c) of the Regulations) 4.
Insufficient operable equipment (); personnel (); supervision () available to comply with the permit, the Act or the Regulations (Section 807.304 of the Regulations) 5.
Uncovered refuse remaining from any previous operating day or at the conclusion of any operating day (Section 21(p)(5) of the Act) 6.*
Inadequate depth of daily cover (Section 807.305(a) of the Regulations) ... 7.
Inadequate depth of intermediate cover (Section 807.305(b) of the Regulations) 8.

- Inadequate depth of final cover (Section 807.305(c) of the Regulations) ... 9. _____
- Failure to provide final cover within time limits established by Board Regulations
(Section 21(p)(6) of the Act and Section 807.305(c) of the Regulations) ... 10.* _____
- Failure to collect and contain litter from the site by the end of each operating day
(Section 21(p)(12) of the Act and Section 807.306 of the Regulations) 11.* _____
- Causing or allowing salvaging: in an unsanitary manner (); in an area not remote from the operating face (); which interferes with or otherwise delays the operation of the landfill (); without removing salvaged materials daily or separating such materials by type and storage so as to create a nuisance, vector harborage or unsightly appearance () (Section 807.307 of the Regulations) 12. _____
- Causing or allowing scavenging operations
(Section 21(p)(8) of the Act and Section 807.308 of the Regulations) 13.* _____
- Causing or allowing feeding of farm or domestic animals upon the site of the sanitary landfill or with refuse delivered thereto
(Section 807.309 of the Regulations) 14. _____
- Improper deposit, acceptance or handling of burning material at a sanitary landfill site (Section 807.310(a) of the Regulations) 15. _____
- Acceptance of wastes without necessary permits
(Section 21(p)(7) of the Act and Section 807.310(b) of the Regulations) ... 16.* X _____
- Open burning of refuse in violation of: Section 9 of the Act (); Section 807.311 of the Regulations () (Section 21(p)(4) of the Act) 17.* _____
- Causing or allowing the operation of a sanitary landfill so as to cause or threaten or allow the emission of contaminants so as to cause or tend to cause air pollution in Illinois
(Section 9(a) of the Act and Section 807.312 of the Regulations) 18. _____
- Causing or allowing the operation of a sanitary landfill so as to cause or threaten or allow the discharge of any contaminants so as to cause water pollution in Illinois
(Section 12(a) of the Act and Section 807.313 of the Regulations) 19. _____
- Conducting a sanitary landfill operation in a manner which results in leachate flow entering Waters of the State (Section 21(p)(2) of the Act and Sections 807.313 and 807.314(e) of the Regulations) 20.* _____
- Conducting a sanitary landfill operation in a manner which results in leachate flows exiting the landfill confines (Section 21(p)(3) of the Act and Sections 807.313 and 807.314(e) of the Regulations) 21.* _____

Inadequate: <u>shelter</u> (); <u>sanitary facilities</u> (); <u>emergency communi-</u> <u>cations</u> () for employees (Section 807.314(a) of the Regulations)	22.	_____
Inadequate roads within the site (Section 807.314(b) of the Regulations) ..	23.	_____
Inadequate control of access to site (Section 807.314(c) of the Regulations)	24.	_____
Inadequate measures for fire protection (Section 807.314(d) of the Regulations)	25.	_____
Inadequate measures to monitor and control leachate (Section 807.314(e) of the Regulations)	26.	_____
Inadequate measures to control: <u>dust</u> (); <u>vectors</u> () (Section 807.314(f) of the Regulations)	27.	_____
Failure to have an operational safety program approved by the Agency (Section 807.314(g) of the Regulations)	28.	_____
Inadequate provision for concealing sanitary landfill operations from public view (Section 807.314(h) of the Regulations)	29.	_____
Causing or allowing development or operation of a sanitary landfill with- out having proven to the Agency's satisfaction that no damage or hazard will result to Waters of the State (Section 807.315 of the Regulations) ...	30.	<u>X</u> _____
Failure to <u>monitor</u> : gas (); water (); settling () after the site is completed or closed (Section 807.318(a) of the Regulations)	31.	_____
Failure to take necessary <u>remedial action</u> to abate any gas (); water (); settling () problems after the site is completed or closed (Section 807.318(b) of the Regulations)	32.	_____
Failure to properly file a detailed description of the site upon completion or closure of the site (Section 807.318(c) of the Regulations)	33.	_____
Refuse in standing or flowing water (Section 21(p)(1) of the Act)	34.*	_____
Deposition of refuse in any unpermitted portion of the landfill (Section 21(p)(9) of the Act)	35.*	<u>X</u> _____
Acceptance of special waste without a required manifest (Section 21(p)(10) of the Act)	36.*	_____
Failure to submit reports required by permits or Board Regulations (Section 21(p)(11) of the Act)	37.*	_____
Acceptance of special waste for disposal, storage or treatment from a waste hauler that does not have a valid special waste hauling permit (Section 809.302(a) of the Regulations)	38.	_____

Acceptance of special waste for disposal, storage or treatment from a waste hauler that did not present a signed manifest which designated the receiver's facility as a destination for the special waste (Section 809.302(a) of the Regulations) 39. _____

Failure to have financial assurance documents (Section 807.601 of the Regulations) 40. _____

Failure to file: a closure plan (); post-closure plan (; (Sections 807.503 and 807.523 of the Regulations) 41. _____

Failure to properly carry-out: closure plan (); post-closure plan () (Sections 807.506 and 807.524 of the Regulations) 42. _____

Apparent violation of: PCB (); Circuit Court () Case Number _____, Order entered on _____, 19 ____ 43. _____

Other 44. _____

INFORMATIONAL NOTES

1. References to "Act" herein refer to the Illinois Environmental Protection Act: Ill. Rev. Stat. ch. 111 1/2, par. 1001, et seq.
 2. References to "Regulations" herein refer to the rules and regulations of the Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
 3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusion of the Agency or as limiting the Agency's statutory or regulatory powers.
- * Subject to enforcement either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.

 ^{4/23/87}

 Signature of IEPA Inspector(s)

GDS:BB:tk:3/2/11(9/18/86)

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

NARRATIVE INSPECTION REPORT DOCUMENT

Date of Inspection: April 16, 1987 Inspector: Steve Dunn ^{P. Reed}
G. Grundmann
Site Code: 0430350002 County: DuPage
Site Name: Elmhurst-Chicago Stone Time: 11:25 am

GENERAL REMARKS

Joint inspection w/ IEPA-Maywood inspectors was conducted to determine
status of facility - whether developmental or operational. Upon arrival at site
Charles P. Hammersmith was advised of visit. Inspection of the site
followed.

The site was in relatively the same condition as previously observed although
the access road has been better finished. According to facility personnel,
the primary purpose of the road has been changed to allow access
to the east quarry where loading facilities have been relocated, as
opposed to allowing for access to the floor of the west quarry for
tipping operations. At the time of the inspection, contractors were
on-site stabilizing the keyhole between quarries.

Regarding cited apparent violations:

1. The DE permit ^(Suppl. Permit) requires the access road to be placed along
the north wall. The current development is not in accordance
with Figure ECS-2 presented in support of the permit.

- This discrepancy has previously been brought to the
attention of the firm.

2. Refer to items 16 & 35. Waste is being tipped at first
tier below surrounding grade.

16. The DE permit was for construction of a road to the floor of the quarry in development of the site to allow for access. The apparent principal purpose of the road has been revised by the firm to allow access to the east quarry. Considerable material ~~is~~ has been and is being accepted at the site and in the opinion of the inspectors, the site ~~is~~ should be regarded as operational. Photos document the acceptance of waste at the first sub-grade tier and then pushing of material over the edge.

#

30. The DE permit requires satisfaction of questions relating to liner placement in the floor and sidewalls prior to placement of material. These conditions have not been met. Refer to Special Conditions 1, 2, 6 and 7. The site is accepting wastes on an operational basis without satisfaction of these issues.

35. The site is accepting and depositing waste throughout the quarry. Material has been tipped at top, pushed over the edge and allowed to tumble to final repose. The deposition has not been in accordance with the DE permit.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: April 16, 1987 Inspector: Steve Dunn, P. Reed, C. Grunmann
Site Code: 0430350002 County: DuPage
Site Name: Elmhurst - Chicago Station Time: 11:25 am

