EPA Region 5 Records Ctr.
261596

I. DESCRIPTION OF POLLUTION SOURCE

The Paxton Land Fill Corporation owns and operates a refuse disposal facility located west of Torrence Avenue, between 116th and 122nd Streets, in Chicago, Cook County, Illinois. (For relative location, see maps, pages 1 and 2. See also map, page 28.) (For proof of ownership, see 1971 Permit Application, page 7.) The legal description of the site is as follows:

> Within the Northeast Quarter of the Northwest Quarter of Section 24 of Township 37 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois. (see page 4.)

The site began operations sometime in late 1970 or early 1971 (see January 22, 1971, letter, page 3, and February 4, 1971, letter, pages 4 and 5). It did not, however, receive a permit to operate until June 23, 1971 (see Permit #1971-23, pages 29 and 30). The total size of the permitted site is 42.5 acres (see page 8). The site accepts garbage and industrial refuse, including liquid wastes. Current Agency estimates are that the site accepts about 2,500 cubic yards of solid waste and about 100,000 gallons of liquids daily (reference: K. Bechely telephone call to site manager on April 21, 1977.) The site is open five and one-half days per week (until about 12:00 noon) on Saturdays.

The Paxton Land Fill Corporation (Paxton) is an Illinois corporation whose president and registered agent is:

> Herman Roberts
> 12201 S. Oglesby Avenue
> Chicago, Illinois 60633
> (Reference: Certified List of Domestic and Foreign Corporations, 1974.)

A check by telephone (on September 13, 1976) with the Corporations Division of the Office of the Secretary of State revealed that Paxton was incorporated on May 28, 1970. Paxton was in good standing at the time of the check.

II. AGENCY HISTORY

As noted above, Paxton began operating late in 1970 or early in 1971. The Agency notified Paxton that a permit was necessary on January 22, 1971 (see page 3). An application for permit was received by the Agency on February 26, 1971, and thereafter reviewed (see Application for Permit, pages 6 through 28; note, plan sheets are included as Appendix B). Permit #1971-23 to install and operate a solid waste disposal site was issued by the Agency on June 28, 1971 (see Permit #1971-23, pages 29 and 30). That permit contained, as Special Condition #2, the following:

> Any disposal of liquid wastes at this facility will require prior written approval from this Agency. (See page 30).

Early operations at the site were conducted in general compliance with the Environmental Protection Act and the Solid Waste Rules and Regulations (see January 3, 1972, letter, page 31, and Site Survey, page 31a). As will be shown below, however, operations at the site deteriorated thereafter. This deterioration occurred in all aspects of the site's operation. The Agency is concerned about these aspects, of course. However, the Agency is primarily concerned about liquid and hazardous wastes accepted without a permit, wastes accepted and handled in violation of permit conditions and operation in an unpermitted area.

Paxton's dealings with the Agency in regard to acceptance of liquid and/or hazardous wastes began as early as September, 1972 (see correspondence, paged 32 and 33). The Agency informed Paxton generally that liquids could be accepted under supplemental permit and that supplemental permits could be issued if certain specific information were supplied (see September 20, 1972, letter, page 34). Thereafter, certain correspondence transpired between Paxton and the Agency (see pages 35 through 43), which resulted in the issuance of Supplemental Permit #1972-13 on November 3, 1972 (see page 85). Supplemental Permit #1972-13 contained certain conditions precedent before it became operative. Since these conditions were not met within the required time, the Agency believes #1972-13 was never validated and, therefore, is no longer effective. The monitoring system called for in the permit was not approved and installed within 120 days (see June 6, 1973, letter, page 53, and previous correspondences, pages 44 through 52). (Note: Engineering Drawing attached to February 13, 1973, letter is included as Appendix C; Plan Sheet attached to May 21, 1973, letter is included as Appendix D.) In addition, later correspondence shows that background parameter results were not submitted within 30 days as required by the June 6, 1973, letter (see pages 54 through 60). (Note: It may be argued that the Agency's actions may estop it from asserting that this permit (#1972-13) is invalid. However, the Agency informed Paxton that no liquids could be accepted until the conditions were fully met (see March 21, 1973, letter, page 48), and later informed Paxton it believed this permit was probably invalid (see April 14, 1976, letter, pages 134 through 141). Even if Supplemental Permit #1972-13 is considered valid, it must be

limited to specific quantities of liquids from only two generators, Ingersoll Products and Cargill Processing (see page 40). The permit specifically included reference to an October 20, 1972, letter incorporated thereby, which letter excluded wastes from Welded Tube (see page 40).)

Correspondence between Paxton and the Agency continued over the subject of the need for supplemental permits for liquid wastes in July, 1973. At that time, ITT Harper Incorporated was issued a permit to transport liquid sludge to Paxton (see pages 61 and 62). As a Special Condition of that permit, the permittee could not take the sludge to the site until it had the requisite supplemental permit (see page 62). At that time, Paxton did not have such a supplemental permit (see notes, pages 63 and 64), and the Agency informed Paxton of the need for such a permit (see July 30, 1973, letter, page 65, and August 1, 1973, note, page 66). On July 11, 1973, Caterpillar Tractor Company was issued a permit to transport liquid sludge to Paxton or E.S.L. Landfill (see pages 67 and 68). Again the Agency informed Paxton of the need for a supplemental permit (see August 2, 1973, letter, page 69). On October 26, 1973, Teletype Corporation was also issued a permit to transport liquid wastes to Paxton (see pages 70 and 71). Agency surveillance of the site during this period, however, indicates that Paxton was not accepting large quantities of liquid and/or hazardous wastes as it had in the past and would in the future (see October 23, 1973, memo, page 72).

Beginning in April, 1974, Paxton began inquiries to the Agency as to supplemental permits for disposal of the ITT Harper sludge (see letter, page 73). Through an exchange of letters, the Agency informed Paxton of the information required before a supplemental permit could be issued, as well as Paxton's agreement to supply such information and obtain the required permits (see pages 74 through 84).

Since 1974, Paxton has applied for and received fifteen (15) supplemental permits for the disposal of special wastes (i.e., liquid and/or hazardous wastes and sludges (see Inventory of Supplemental Permits, page 86 and April 14, 1976, letter, pages 134 through 141). These permits were issued at different times and with different expiration dates (see Supplemental Permits, pages 88 through 133). All of the permits expired by February 9, 1977 (see Time Log of Supplemental Permits, page 87). By letter dated April 14, 1976, the Agency informed Paxton of numerous problems it had found with relation to Paxton's handling of special wastes, and announced it would no longer issue any supplemental permits for special wastes (see page 135). Paxton responded and admitted the problems and announced that it would start a new program to improve its operations, especially with regard to special wastes (see pages 142 and 143, as well as letter of Paxton's attorney, pages 147 and 148). However, the Agency was not convinced of Paxton's sincerity (see pages 144 and 145). And, as will be shown below, the Agency's distrust was well-founded.

Another area of concern has been Paxton's operation of its sanitary landfill in an unpermitted area. As early as January 16, 1976, the Agency informed Paxton's attorney of the need for a permit for the

new area (see Telephone Conversation Record, page 146). This telephone conversation was, in fact, a follow-up to a January 8, 1976, warning letter (page 203). Sometime early in 1976, Paxton was out of space in their permitted 42.5 acre site. They subsequently merely moved to an adjacent piece of property, owned by it but not permitted by the Agency, and continued their operations there (see inspection memo, page 282). Paxton investigaged the need for an additional permit (see letter, pages 147 and 148), and, finding it needed one, asked the Illinois State Geological Survey for its opinion of the new site (see letter, page 149. The attachments to that letter and the Design Study Report are included as Appendix E). Thereafter, the Survey responded by letter (see pages 150 and 151). Further correspondence from Paxton between February and May, 1976, (pages 152, 153 and 154) detailed their progress on finishing a permit application. Beginning in September, 1976, the Agency began warning Paxton in a more serious vein that operations were continuing and a permit had not been issued (see pages 156 through 159). By letter dated October 27, 1976, Paxton's engineers informed the Agency that an application would be filed in about two (2) weeks (see letter, page 160. The attachment to the October 27, 1976, letter is included as Appendix F). The application for permit, however, was not received until January 27, 1977 (see Application for Permit, pages 161 through 182. Attachments including plans and specifications and a Soils Report are included as Appendix G). On February 1, 1977, the Agency denied this application as incomplete (see denial letter, page 183). The application was incomplete because Paxton had not submitted the

land use data required by the Carlson decision. The requisite land use data was submitted on March 11, 1977, and is included as Appendix H. To date no permit to develop the new area has been issued by the Agency, and an operating permit cannot be issued until all development work required is completed.

In addition to the many warnings and notifications mentioned above in this narrative, the Agency has sent numerous warning letters to Paxton. These warning letters detailed the violations noted during inspection visits. During the time in question, the Agency has sent at least fifteen (15) warning letters detailing operational violations (see pages 184 through 208).

III. VIOLATIONS

The allegations to be included in the Complaint are as follows:

A. That Respondent, Paxton Land Fill Corporation, has caused or allowed the development of any new solid waste management site without a Development Permit issued by the Agency, in violation of Section 21(e) of the Environmental Protection Act (Ill. Rev. Stat., 1975, Ch. 111½, Sec. 1001 et seq.) (Act) and Rule 201 of Chapter 7: Solid Waste Rules and Regulations of the Illinois Pollution Control Board (Chapter 7).

The following evidence substantiates this violation for the corresponding dates:

1. April 23, 1976

   a. Inspection report by Robert Wengrow dated April 23, 1976, indicating that Paxton had moved over to the west of the permitted area (see page 282);

b. One (1) photograph taken by Bob Wengrow on April 23, 1976, showing operations in new area and recently excavated trench (page 284), as well as site sketch showing location of photograph (page 283).

2. May 7, 1976

a. Inspection report by Ken Bechely dated May 7, 1976, with notation that present operating trench is being extended north (see page 285).

3. June 29, 1976

a. Inspection memo by Robert Wengrow dated June 29, 1976, indicating operation was extended to second trench of unpermitted area and implying further development work had been done (i.e., cutting of second trench)(see page 291).

4. October 20, 1976

a. Inspection report by Kenneth Bechely dated October 20, 1976, indicating operations were now being conducted in third trench and implying that development work (i.e., excavating of third trench) had occurred (see page 292).

b. Memo by Ken Bechely dated October 26, 1976, detailing visit of October 20, 1976, wherein it was observed that a third trench had apparently been excavated and was in use (see pages 293, 294).

5. January 25, 1977

a. Inspection reported by Kenneth Bechely dated January 25, 1977, indicating that operations were now being conducted in fourth trench of the new, unpermitted area (see page 295). If such operations had moved to the fourth trench, the excavation of that trench would have had to have been accomplished previously.

3. That Respondent, Paxton Land Fill Corporation, has caused or allowed the use or operation of a solid waste management site without an Operating Permit issued by the Agency, in violation of Section 21(e) of the Act and Rule 202(a) of Chapter 7. (Note: Since this violation involves a new area, albeit contiguous to the old, permitted area, a violation of Rule 202(a) and not 202(b), of Chapter 7 has been alleged.)

The following evidence substantiates this violation for the corresponding dates:

1. April 23, 1976

   a. Inspection memo by Bob Wengrow dated April 23, 1976, indicating that Paxton had moved over to the west of the permitted area and was operating illegally there (page 282).

2. May 7, 1976

   a. Inspection report by Kenneth Bechely dated May 7, 1976, indicating operations were in unpermitted area just west of permitted site (see page 285);

   b. Inspection memo by Ken Bechely dated May 7, 1976, detailing interview with Ray Nudi, site supervisor in which Mr. Nudi admitted that operations had extended to an unpermitted area (see page 286);

   c. Two (2) photographs taken by Ken Bechely on May 7, 1976, showing deposition of refuse in unpermitted area, and note of K. Bechely's identifying pictures as being outside permitted site boundaries (see page 287 and 287a);

   d. Site sketch by Ken Bechely showing location of operations outside boundary of permitted site, as well as location of photos discussed in (3) above (see page 288);

   e. Memo by Ken Bechely dated May 10, 1976, explaining inspection of May 7, 1976, in which Mr. Nudi admitted to Bechely that he was conducting his operations in an unpermitted area (see page 289).

3. May 13, 1976

   a. Memo of observation by Robert Wengrow dated May 13, 1976, in which operations were observed in unpermitted area (see page 290).

4. June 29, 1976

   a. Inspection report by R. A. Wengrow dated June 29, 1976, indicating that operations were now being conducted in the second trench of the new site (see page 291).

5. October 29, 1976

a. Inspection report by K. Bechely dated October 20, 1976, indicating that operations were still continuing in unpermitted area, i.e., in the third trench, and that liquids and solids were being deposited therein (see page 292);

b. Memo by Ken Bechely dated October 26, 1976, of October 20, 1976, visit indicating present operation was being conducted about three trenches west of permitted site boundary on that date (see pages 293 and 294).

6. January 25, 1977

a. Inspection report by Ken Bechely dated January 25, 1977, indicating site's daily operation, including liquid and solid waste disposal, was being conducted in fourth trench of unpermitted area (see page 295);

b. Three (3) photographs taken by Ken Bechely on January 25, 1977, showing liquid wastes being deposited and one (1) photograph showing garbage being dumped, all in the unpermitted area (see pages 296 and 297).

7. January 26, 1977

a. Two (2) photographs taken by Kenneth Bechely on January 26, 1977, showing recently deposited refuse in unpermitted area, and one (1) photograph of liquids being dumped in the new site (see pages 299 and 300).

8. February 7, 1977

a. Inspection report by Kenneth Bechely dated February 7, 1977, indicating operations were being conducted in the fourth trench of the new, unpermitted area (see page 301);

b. One (1) photograph taken by Kenneth Bechely on February 7, 1977, showing liquids being deposited into the fill face of the new site, and one (1) photograph showing recently deposited refuse being pushed down the face of the fourth trench (see page 302);

c. Memo by Ken Bechely dated February 10, 1977, of February 7, 1977, inspection indicating operations conducted in fourth trench west of boundary of unpermitted area (see page 304).

C. That Respondent, Paxton Land Fill Corporation, has caused or allowed operation of a sanitary landfill without having each requirement of this Part (Part III) performed, in violation of Rule 301 of Chapter 7.

The evidence listed below in the other paragraphs of this Violations Section is sufficient to prove this violation as well.

D. That Respondent, Paxton Land Fill Corporation, failed to deposit all refuse into the toe of the fill or the bottom of the trench, in violation of Rule 303(a) of Chapter 7.

The following evidence substantiates the violation for the corresponding dates:

1. October 5, 1973

   a. Inspection memo by Kenneth Bechely dated October 5, 1973, indicating that refuse was not deposited into the toe (see page 209);

   b. One (1) photograph taken by Ken Bechely on October 5, 1973, showing refuse being disposed (page 211).

2. February 4, 1974

   a. Inspection report by Ken Bechely indicating refuse not being deposited at toe (i.e., should be from bottom up) (page 214);

   b. One (1) photograph taken by Ken Bechely (page 216) showing that refuse was not being deposited in the toe.

3. March 11, 1974

   a. Inspection report by Robert Mengrow dated March 11, 1974, indicating refuse was being deposited from 'top down' instead of into bottom (see page 217).

4. April 18, 1974

   a. Inspection report by Ken Bechely dated April 18, 1974, indicating refuse not deposited at bottom (i.e., 'but not uphill')(page 218);

   b. Two (2) photographs taken by Ken Bechely on April 18, 1974 (see page 222) showing that refuse had not been deposited at the toe (first photo) and was not being deposited at the bottom (second photo).

5. May 2, 1974

a. Inspection report dated May 2, 1974, by Rene Van Someren indicating refuse was not being deposited at the bottom (page 223).

6. June 11, 1974

a. One (1) photograph taken by Robert Wengrow on June 11, 1974, showing that refuse had not been deposited at the toe of the slope (page 229).

7. July 2, 1974

a. Inspection report by Ken Bechely dated July 2, 1974, indicating refuse pushed downhill (see page 230);

b. Two (2) photographs taken by Ken Bechely on July 2, 1974 (page 232) showing refuse being deposited at toe of trench and pushed downhill, and site sketch showing location of pictures (page 231).

8. September 4, 1974

a. Inspection report by Robert Wengrow dated September 9, 1974, indicating refuse deposited down slope (page 234).

9. September 16, 1974

a. Inspection report by Ken Bechely dated September 16, 1974, indicating refuse deposited downhill (page 235);

b. Two (2) photographs taken by Ken Bechely on September 16, 1974, indicating refuse deposited downhill (page 237), and site sketch showing location of photographs (page 236).

10. October 1, 1974

a. Inspection report by Robert Wengrow dated October 1, 1974, indicating refuse deposited from top to bottom (page 240).

11. October 16, 1974

a. Inspection report by Kenneth Bechely dated October 16, 1974, indicating refuse not spread and compacted uphill (page 241).

12. January 23, 1975

a. Inspection report by Robert Wengrow dated January 23, 1975, indicating refuse spread and compacted downhill (page 250).

13. February 3, 1975

a. Inspection memo by Rene Van Someren dated February 3, 1975, indicating refuse spread and compacted from top down (page 252).

14. February 6, 1975

a. Inspection report by Robert Wengrow dated February 6, 1975, indicating refuse deposited on top (page 253).

15. April 16, 1975

a. Inspection report by Robert Wengrow dated April 16, 1975, showing refuse had not been deposited at toe of slope (page 254).

16. May 26, 1975

a. Inspection report by Ken Bechely dated May 26, 1975, showing refuse not deposited at toe of slope (page 257).

17. July 29, 1975

a. Inspection report by Kenneth Bechely dated July 29, 1975, indicating refuse not deposited at toe of slope (page 261);

b. One (1) photograph taken by Kenneth Bechely on July 29, 1975, showing refuse being deposited at top (page 262).

18. December 18, 1975

a. Inspection report by Robert Wengrow dated December 18, 1975, showing refuse not deposited at toe (page 266).

19. February 4, 1976

a. Inspection report by Robert Wengrow dated February 4, 1976, with refuse not deposited at toe checked (page 270).

20. February 26, 1976

a. Inspection report by Charles Grigalauski dated Feburary 26, 1976, showing refuse not deposited at toe of slope (page 274);

b. One (1) photograph taken by Charles Grigalauski on February 26, 1976, showing refuse had not been deposited at toe (page 275).

21. March 8, 1976

a. Inspection report by Robert Wengrow dated March 8, 1976, showing refuse had not been deposited at toe (page 276).

22. March 22, 1976

a. Inspection report by Robert Wengrow dated March 22, 1976, showing violation of "refuse deposited at toe" rule (page 277).

b. One (1) photograph taken by Robert Wengrow on March 22, 1976, showing refuse deposited at top of slope (page 280).

23. April 23, 1976

a. Inspection report by Robert Wengrow dated April 23, 1976, with refuse not deposited at toe checked (page 281);

b. One (1) photograph taken on April 23, 1976, showing that refuse had not been deposited at toe (page 284), and site sketch showing location of photo (page 283).

24. May 7, 1976

a. Inspection report by Ken Bechely dated May 7, 1976, showing refuse not deposited at toe violation checked (page 285);

b. Two (2) photographs taken by Kenneth Bechely on May 7, 1976, showing refuse being deposited at top of trench (page 287) and site sketch indicating location of photos (page 288).

25. October 20, 1976

a. Inspection report by Ken Bechely dated October 20, 1976, indicating refuse was not being deposited at the toe of the slope (page 292).

26. January 25, 1976

a. Inspection report by Ken Bechely dated January 25, 1977, showing refuse was not deposited at toe of slope (page 295);

b. Two (2) photographs taken by Ken Bechely on January 25, 1977, showing that refuse was not being (upper photo) and had not been (lower photo) deposited at the toe of the slope (page 297).

27. January 26, 1977

a. Inspection report by Kenneth Bechely dated January 26, 1977, indicating refuse not deposited at toe of slope (page 298);

b. Three (3) photographs taken by Ken Bechely on January 26, 1977, indicating refuse had not been (first two photos) and was not being (fourth photo) deposited at toe (pages 299, 300).

28. February 7, 1977

a. Inspection report by Ken Bechely dated February 7, 1977, indicating refuse not deposited at toe of slope (page 301);

b. One (1) photograph taken by Ken Bechely on February 7, 1977, showing that refuse had not been deposited at the toe of the slope (page 302).

E. That Respondent, Paxton Land Fill Corporation, failed to spread and compact refuse as rapidly as it is deposited, in violation of Rule 303 (b) of Chapter 7.

The following evidence substantiates the violation for the corresponding dates:

1. July 29, 1975

a. Inspection report by Ken Bechely dated July 29, 1975, indicating inadequate spreading and compacting (page 261).

2. February 4, 1976

a. Inspection report by Robert Wengrow dated February 4, 1976, indicating inadequate spreading and compacting (page 270).

F. That Respondent, Paxton Land Fill Corporation, failed to place a compacted layer of at least six (6) inches of suitable earthen material on all exposed refuse at the end of each day of operation, in violation of Rule 305(a) of Chapter 7 and Sections 21(a) and 21(b) of the Act.

The following evidence substantiates the violation for the corresponding dates:

1. February 4, 1974

a. Inspection report by Kenneth Bechely dated February 4, 1974, indicating material from previous day was exposed and more daily cover was needed (page 214).

2. May 14, 1974

a. Inspection report by Robert Wengrow dated May 14, 1974, indicating inadequate depth of daily cover (page 224).

3. January 23, 1975

a. Inspection report by Robert Wengrow dated January 23, 1975, showing that daily cover was inadequate in depth (i.e., patches exposed north of present working area) (page 250).

4. July 29, 1975

a. Inspection report by Kenneth Bechely dated July 29, 1975, showing inadequate daily cover (page 261).

5. December 18, 1975

a. Inspection report by Robert Wengrow dated December 18, 1975, indicating inadequate depth of daily cover over portion of area (page 266);

b. Two (2) photographs taken by Robert Wengrow on December 18, 1975, showing the inadequate depth of daily cover (page 268), and site sketch showing location of photos (page 267).

6. March 8, 1976

a. Inspection report by Robert Wengrow dated March 8, 1976, showing daily cover was inadequate depth (page 276).

7. March 22, 1976

a. Inspection report by Robert Wengrow dated March 22, 1976, indicating inadequate depth of daily cover (page 277).

8. April 23, 1976

a. Inspection report by Robert Wengrow dated April 23, 1976, indicating inadequate daily cover over portion (page 281).

9. May 7, 1976

a. Inspection report by Kenneth Bechely dated May 7, 1976, indicating daily cover was of inadequate depth over a portion of the area (page 285).

G. That Respondent, Paxton Land Fill Corporation, failed to place a compacted layer of at least twelve (12) inches of suitable material, at the end of each day's operation, in all but the final lift, on all surfaces of the landfill where no additional refuse will be deposited within 60 days, in violation of Rule 305(b) of Chapter 7.

The following evidence substantiates the violation for the corresponding dates:

1. September 4, 1974

   a. Inspection report by Robert Wengrow dated September 4, 1974, indicating intermediate cover of inadequate depth (page 234).

2. December 3, 1974

   a. Inspection report by Robert Wengrow dated December 3, 1974, indicating inadequate depth of intermediate cover (page 247).

3. January 23, 1975

   a. Inspection report by Robert Wengrow dated January 23, 1975, indicating inadequate depth of intermediate cover (i.e., exposed area) (page 250).

4. February 6, 1975

   a. Inspection report by Robert Wengrow dated February 6, 1975, indicating intermediate cover of inadequate depth (page 253).

5. April 16, 1975

   a. Inspection report by Robert Wengrow dated April 16, 1975, indicating intermediate cover of inadequate depth in portions of required areas (page 254).

6. May 26, 1975

   a. Inspection report by Ken Bechely dated May 26, 1975, indicating intermediate cover of inadequate depth in portions of required areas (page 257).

7. July 29, 1975

a. Inspection report by Ken Bechely dated July 29, 1975, indicating inadequate intermediate cover (page 261).

8. March 8, 1976

a. Inspection report by Robert Wengrow dated March 8, 1976, indicating inadequate depth of intermediate cover (page 276).

9. March 22, 1976

a. Inspection report by Robert Wengrow dated March 22, 1976, indicating intermediate cover was of inadequate depth (page 277).

10. April 23, 1976

a. Inspection report by Robert Wengrow dated April 23, 1976, indicating inadequate depth of intermediate cover (page 281).

11. That Respondent, Paxton Land Fill Corporation, failed to place a compacted layer of not less than two (2) feet of suitable material over the entire surface of each portion of the final lift not later than 30 days following the placement of refuse in the final lift, in violation of Rule 305(c) of Chapter 7.

The following evidence substantiates the violation for the corresponding dates:

1. February 4, 1974

a. Inspection report by Kenneth Bechely dated February 4, 1974, indicating that additional areas need added final cover (page 214).

2. March 11, 1974

a. Inspection report by Robert Wengrow dated March 11, 1974, indicating more final cover needed in some area (page 217).

3. May 2, 1974

a. Inspection report by Rene Van Someren dated May 2, 1974, indicating some additional final cover needed on north end (page 223).

4. May 14, 1974

a. Inspection report by Robert Wengrow dated May 14, 1974, indicating inadequate depth of final cover (page 224).

5. June 11, 1974

a. Inspection report by Robert Wengrow dated June 11, 1974, indicating final cover was not of adequate depth (page 227).

6. July 2, 1974

a. Inspection report by Ken Bechely dated July 2, 1974, indicating final cover of inadequate depth (page 230).

7. September 4, 1974

a. Inspection report by Robert Wengrow dated September 4, 1974, indicating inadequate final cover (page 234).

8. March 22, 1976

a. Inspection report by Robert Wengrow dated March 22, 1976, indicating final cover was of inadequate depth in some areas (page 277).

9. April 23, 1976

a. Inspection report by Robert Wengrow dated April 23, 1976, indicating inadequate depth of final cover over the entire required area (page 281).

10. May 7, 1976

a. Inspection report by Ken Bechely dated May 7, 1976, indicating final cover was inadequate in the completed, permitted area (page 285).

11. May 13, 1976

a. Observation visit memo by Bob Wengrow dated May 13, 1976, indicating no progress made in applying final cover to completed area (page 290).

I. That Respondent, Paxton Land Fill Corporation, caused or allowed scavenging operations at its sanitary landfill site, in violation of Rule 308 of Chapter 7.

The following evidence substantiates the violation for the corresponding dates:

1. April 18, 1974

a. Inspection report by Ken Bechely dated April 18, 1974, indicating scavenging by others was observed (page 220).

2. May 2, 1974

a. Inspection report by Rene Van Someren dated May 2, 1974, indicating scavenging by other persons than the operator was observed at the site (page 223).

J. That Respondent, Paxton Land Fill Corporation, accepted hazardous wastes, liquid wastes and sludges at its landfill without having the requisite Agency permit, in violation of Rule 310(b) of Chapter 7.

The following evidence substantiates the violation for the corresponding dates:

1. January 14, 1974

a. Inspection memo by Bob Wengrow dated January 14, 1974, indicating that Interlake oil slurry was being deposited at the site (see page 213).

b. At this time, Paxton did not have any permits to accept liquid wastes, and did not receive a permit to take Interlake plant sludge until July 21, 1975 (see pages 86, 87 and 105 through 108).

2. May 14, 1974

a. Inspection report by R. Wengrow dated May 14, 1974, indicating that liquid wastes were observed in barrels at the site (page 224).

b. One (1) photograph taken by R. Wengrow on May 14, 1974, showing barrels deposited on site (see page 226).

c. During this time, Paxton did not have any supplemental permits to accept liquids (pages 86, 87), and in fact, never was issued a permit to take liquids in barrels (see pages 88 through 133).

3. September 19, 1974

a. Inspection memo by Rene Van Someren dated September 19, 1974, indicating liquids had been deposited in 55 gallon drums (see page 238).

b. See (2)(c) of this Part J.

4. September 25, 1974

a. Memo of inspection by Ken Bechely on September 25, 1974, indicating that two trucks (identified) were dumping liquids at site (page 239).

b. Paxton did not have permits to accept these liquids, and only had one permit for sludge as of this date (see pages 86, 87).

5. January 23, 1975

a. Memo of inspection visit by Robert Wengrow on January 23, 1975, indicating that two identified trucks (Sludge Removal and Universal Liquid Engineering) were observed dumping liquids at site (see page 251), and explaining interview with Ray Nudi, site foreman, in which Nudi said attempt would be made to get required permits.

6. May 26, 1975

a. Inspection report by Ken Bechely dated May 26, 1975, indicating unpermitted liquid wastes were being deposited (page 257).

7. October 10, 1976

a. Inspection report by Kenneth Bechely dated October 26, 1976, indicating site was receiving unpermitted liquid wastes (page 292).

b. Memo (dated October 26, 1976) of October 20, 1976, inspection visit by K. Bechely indicating tremendous volume of liquid waste being deposited that day (see page 293). The memo also indicates that a truck driver punctured a barrel and it began to smoke and fume. The mixture was supposedly oil and water as the driver said. But none of the permits issued to Paxton and in effect at this time were for hazardous liquids (see pages 88 through 133).

c. None of Paxton's effective permits listed Ryder Rental as a hauler or Great Lakes Screw as a generator (pages 293 and 86).

8. January 25, 1977

a. Inspection report by Kenneth Bechely dated January 25, 1977, indicating unpermitted liquid wastes were observed deposited at site (page 295).

b. Two (2) photographs taken by Ken Bechely on January 25, 1977, showing tanker truck depositing liquids (pages 296, 297-bottom pictures on both pages).

9. January 26, 1977

a. Inspection memo by K. Bechely dated January 26, 1977, indicating that unpermitted liquid wastes were observed being dumped at site (page 298).

b. One (1) photograph taken by Ken Bechely on January 26, 1977, showing one truck dumping the unpermitted liquids (page 300).

10. February 7, 1977

a. Inspection report by Kenneth Bechely dated February 7, 1977, indicating that unpermitted liquid wastes were being deposited (page 301).

b. One (1) photograph taken by K. Bechely on February 7, 1977, showing tanker dumping the unpermitted liquids (page 302).

c. Memo dated February 10, 1977, by Kenneth Bechely, of his February 7, 1977, inspection where he copied a bill of lading indicating liquids were deposited at Paxton site under a supplemental permit which had not been issued to Paxton (page 304).

(Note: See also memo of telephone conversation wherein it was learned certain other liquids were apparently deposited at Paxton under another false permit number.)

(Note: See also copies of bills of lading, obtained by Rene Van Someren from the Chicago Department of Environmental Control for liquids deposited at Paxton. At this time, Paxton had only one supplemental permit to accept ITT Harper sludge, and not the liquids from the companies listed (see pages 307 through 313.)

K. That Respondent, Paxton Land Fill Corporation, caused or allowed operation of a sanitary landfill which does not provide fencing, gates or other measures to control access to the site, in violation of Rule 314(c) of Chapter 7.

The following evidence substantiates the violation for the corresponding dates:

1. October 5, 1973

a. Inspection report by Ken Bechely dated October 5, 1973, indicating portable fencing not provided (page 209).

2. January 14, 1974

a. Inspection report by Robert Wengrow dated January 14, 1974, indicating portable fencing not provided although needed (page 212).

b. Inspection memo by Robert Wengrow dated January 14, 1974, indicating site restriction not provided on 116th Street and a site sketch showing where restriction needed (page 213).

3. February 4, 1974

a. Inspection report by Ken Bechely dated February 4, 1974, indicating portable fencing not provided (page 214).

4. March 11, 1974

a. Inspection report by Robert Wengrow dated March 11, 1974, indicating site fencing along 116th Street was not adequate (page 217).

5. April 18, 1974

a. Inspection report by Kenneth Bechely dated April 18, 1974, indicating inadequate site fencing (page 220).

6. July 2, 1974

a. Inspection report by K. Bechely dated July 2, 1974, indicating site fencing was inadequate (page 230).

7. September 4, 1974

a. Inspection report by Robert Wengrow dated September 4, 1974, indicating inadequate site fencing (page 234).

8. October 16, 1974

a. Inspection report by K. Bechely dated October 16, 1974, indicating no fencing around site (page 241).

9. November 22, 1974

a. Inspection report by R. Wengrow dated November 22, 1974, indicating site fencing was not adequate (page 243).

10. December 3, 1974

a. Inspection report by R. Wengrow dated December 3, 1974, indicating inadequate site fencing (page 247).

11. January 23, 1975

a. Inspection report by Robert Wengrow dated January 23, 1975, indicating north and east sides of site do not have required fencing (page 250).

12. February 6, 1975

a. Inspection report by R. Wengrow dated February 6, 1975, indicating no site fencing on north and east sides (page 253).

13. December 18, 1975

a. Inspection report by Robert Wengrow dated December 18, 1975, indicating inadequate site restriction (page 266).

14. March 8, 1976

a. Inspection report by Robert Wengrow dated March 8, 1976, indicating site supervisor admitted unknown waste dumped by unknown person, an indication of inadequate site restriction (page 276).

L. That Respondent, Paxton Land Fill Corporation, caused or allowed operation of a sanitary landfill which does not provide adequate measures to control dust and vectors, in violation of Rule 314(f) of Chapter 7.

The following evidence substantiates the violation for the corresponding dates:

1. May 26, 1975

a. Inspection report by Kenneth Bechely dated May 26, 1975, indicating that evidence of vectors had been observed (page 257).

2. July 29, 1975

a. Inspection report by Ken Bechely dated July 29, 1975, indicating that evidence of vectors (i.e., flies) had been observed (page 261).

IV. ECONOMIC AND TECHNOLOGIC CONSIDERATIONS

A detailed memo on Section 33(c) considerations will be forwarded shortly.

V. WITNESS LIST

Kenneth Bechely, Field Operations Section, Northern Region, Division of Land/Noise Pollution Control

William C. Child, Field Operations Section, Manager, Northern Region, Division of Land/Noise Pollution Control

Charles E. Clark, Manager, Technical Operations Section, Division of Land/Noise Pollution Control

Charles T. Grigalauski, Field Operations Section, Northern Region, Division of Land/Noise Pollution Control

Michael W. Rapps, Permit Unit, Technical Operations Section, Division of Land/Noise Pollution Control

Rene Van Someren, Field Operations Section, Manager, Central Region (formerly Northern Region), Division of Land/Noise Pollution Control

Robert Wengrow, Field Operations Section, Northern Region, Division of Land/Noise Pollution Control

VI. PROPOSED BOARD ORDER

A. A penalty in excess of $50,000 should be sought for the violations above.

B. An Order should be obtained requiring Respondent to cease and desist all violations, including operation without a permit and acceptance of liquid wastes without the requisite supplemental permits. This may mean closing the site until additional, needed developmental work is completed.

C. A performance bond in the amount of $150,000 should be posted to guarantee part (c).

JHR:mt/spl-25