c c: Bruce Carl
Brighton/Brighton Land
Macoupin County
LPC 1178020001
& 1178020002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

SEP 17 1985

REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gene Evans, President
Com-Pak Engineering, Inc.
Brighton Landfill Division
Craig Lake Road
Brighton, Illinois 62017

Re: Consent Agreement and Final Order
Com-Pak Engineering, Inc.
Brighton Landfill Division
Brighton, Illinois
Docket Number V-W-84-R-082

Dear Mr. Evans:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by you President of Com-Pak Engineering, Inc., Brighton Landfill Division. A fully executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

William H. Miner, Chief
Hazardous Waste Enforcement Branch

Enclosure

cc: Thomas Lechien
Registered Agent for
Com-Pak Engineering, Inc.
Brighton Landfill Divsion

Gary King
Illinois Environmental Protection Agency

EPA Region 5 Records Ctr.
296515

RECEIVED
ENFORCEMENT PROGRAMS
SEP 20 1985
Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:	)	Docket No. V-W-84-R-0-82
	)	
COM-PAK ENGINEERING, INC.	)	CONSENT AGREEMENT
BRIGHTON LANDFILL DIVISION	)	AND FINAL ORDER
Craig Lake Road	)	
Brighton, Illinois 62017	)	
ILD 000667139	)	

I. PREAMBLE

On September 28, 1984, a Complaint and Compliance Order was filed in this matter pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. §6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Com-Pak Engineering, Inc., Brighton Landfill Division, Brighton, Illinois. On April 23, 1985, Administrative Law Judge Thomas B. Yost granted Complainant's Motion for an Amended Complaint and Compliance Order in this matter.

The Amended Complaint and Compliance Order alleges the Respondent to be in violation of Ill. Rev. Stat., Ch. 111 1/2, Section 1001 et. seq., and regulatory requirements set forth at

35 Ill. Adm. Code Part 725 et seq. In addition, the Amended Complaint and Compliance Order alleges the Respondent to be in violation of regulations set forth at 40 CFR Part 270 et seq., in that the Respondent has submitted a Part B Permit Application which is deficient with respect to groundwater protection requirements.

II. STIPULATIONS

The parties to this action, desiring to settle this action, and believing that this settlement is in the public interest, stipulate to the following:

A. The Respondent has been served with a copy of the Amended Complaint and Compliance Order, and Notice of Opportunity for Hearing;

B. The Respondent admits the jurisdictional allegations of the Amended Complaint and Compliance Order;

C. The Respondent neither admits nor denies the specific factual allegations contained in the Amended Complaint and Compliance Order;

D. The Respondent owns and operates a hazardous waste management facility located at Craig Lake Road, Brighton, Illinois ("the Facility"); and

E. The Respondent consents to and will not contest issuance of the Order hereinafter recited, and hereby consents to the assessment of a civil penalty in the amount of $15,000.00.

III. ORDER

Based on the foregoing stipulations, before the taking of any testimony, without the trial or adjudication of any issue of law or fact, without this Consent Agreement and Final Order constituting any evidence or admission by the Respondent with respect to any issue of law or fact, with the consent of the parties, and the Regional Administrator having considered this matter and being duly advised, IT IS HEREBY ORDERED as follows:

A. The Respondent shall pay a civil penalty in the amount of Fifteen Thousand Dollars ($15,000.00). The payment of said civil penalty shall be submitted to the U.S. EPA, P.O. Box 70753, Chicago, Illinois, 60673, in the form of a check or money order payable to the Treasurer of the United States of America. The payment of said civil penalty shall be made within thirty (30) days from the date this Consent Agreement and Final Order is signed and ordered by the Regional Administrator. Notification of payment shall be made at the time of payment to the Regional Hearing Clerk and to the Secretary of the Solid Waste Enforcement Branch, U.S.EPA, Region V, 230 South Dearborn Street, Chicago, Illin Illinois 60604

B. The Respondent shall, within thirty (30) days from the date this Consent Agreement and Final Order is signed by the Regional Administrator, provide the U.S. EPA with a summary of the groundwater monitoring data obtained during the interim status period, as required by 40 CFR 270.14(c)(1).

C. The Respondent shall, within thirty (30) days from the date this Consent Agreement and Final Order is signed by the Regional Administrator, provide the U.S. EPA with a plan and implementation schedule for a groundwater monitoring program capable of providing the information required under 40 CFR 270.14(c)(2) through 270.14(c)(4). The plan and schedule will be subject to review and approval by the U.S. EPA, which approval will not be unreasonably withheld. The U.S. EPA shall take into consideration all unique subsurface conditions that may exist at the Facility and shall be flexible in accommodating such conditions. Within ninety (90) days of the filing of the plan required by this Paragraph, and within ninety (90) days of the filing of any corrected deficiencies submitted pursuant to Paragraph G of this Section, the U.S. EPA will notify the Respondent of approval or disapproval of the plan. The program must achieve a thorough description of any plume of contamination which has entered the groundwater from the operation of any solid waste management unit at the Facility.

1. At a minimum, the description required by this Paragraph must:

   a. Deliniate the extent of any plume on a topographic map with a scale of no less than 1 inch = 200 feet;

   b. Identify the concentration of each Appendix VIII, 40 CFR Part 261, constituent throughout

the plume or identify the maximum concentrations of each Appendix VIII constituent within the plume, with the exception of the following constituents: Acetyl Chloride, Aluminum Phosphide, Bis (Chloromethyl) ether, Carbon Oxyfluoride, Dimethyl Carbamoylchloride, Fluorine, Hydrogen Fluoride, Methyl Chlorocarbonate, Nitrogen Dioxide, Phosgene, Toluene Diisocyanate, Zinc Phosphide, Cacasin, Ethylenebisdithiocarbamic acid, 2-Fluoroacetamide, Iron Dextran, Lasocarpine, Mustard Gas, Nitrogen Mustard N-Oxide and HCL salts, Nitrogen Mustard and HCL salts, Nitric Oxide, and Phosphine; and

c. Establish the rate of migration for all hazardous waste constituents identified in Appendix VII of 40 CFR Part 261, and at 40 CFR Part 261.24.

2. At a mimimum, the plan for a ground water monitoring program, as required by this Paragraph, shall specify:

a. The methodology for investigating the hydrostratigraphic units at the Facility, and the locations, depths, and construction specifications for each monitoring well to be used in the sampling effort;

b. Procedures for obtaining samples from which each parameter or constituent can be analyzed;

c. Analytical methods for each constituent listed in Appendix VIII of 40 CFR Part 261. (Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, U.S. EPA SW-846, is recommended);

d. Procedures for evaluating analytical results to establish the presence or absence of any plume, and for reporting such results to the U.S. EPA.

e. That the program will be completed within 150 days of U.S. EPA approval of such plan.

3. Immediately upon U.S. EPA approval of the plan and schedule required by this Paragraph the Respondent shall implement the groundwater monitoring program.

D. The Respondent shall, within thirty (30) days after carrying out the program required under Paragraph C of this Section, submit to the U.S. EPA the information required by 40 CFR 270.14(c)(2) through 270.14(c)(4) and, depending upon the absence or presence and concentrations of hazardous constituents, the information required by 40 CFR 270.14(c)(5) and 270.14(c)(6),(7)or(8).

E. The Respondent shall, within thirty (30) days after the submission required under Paragraph C of this Section, submit a plan to the Illinois Environmental Protection Agency (IEPA) for a groundwater monitoring program. Such a program must reflect the objectives of the groundwater monitoring program initiated pursuant to 40 CFR Part 270.14 and this Consent Agreement and Final Order,

and must comply with all IEPA groundwater monitoring requirements set forth at 35 Ill. Adm. Code Part 725, Subpart F. The Respondent shall fully implement the groundwater program after IEPA approval of the plan, which approval will not be unreasonably withheld. The IEPA shall take into consideration all unique subsurface conditions that may exist at the Facility and shall be flexible in accommodating such conditions. Within ninety (90) days of the filing of the plan required by this Paragraph, and within ninety (90) days of the filing of any corrected deficiencies submitted pursuant to Paragraph G of this Section, the IEPA will notify the Respondent of approval or disapproval of the plan.

F. The Respondent shall, within thirty (30) days from the date this Consent Agreement and Final Order is signed by the Regional Administrator, achieve compliance with the following requirements, and shall notify the U.S. EPA and the IEPA by registered mail of such compliance:

1. Conduct proper inspections by a trained individual of each hazardous waste movement to assure that it matches the identity of the waste specified on the accompanying manifest, as required by 35 Ill. Adm. Code 725.113(a)(4);

2. Develop and follow a written waste analysis plan for collected run-off liquid, as required by 35 Ill. Adm. Code 725.113(b)

3. Install an artificial barrier which completely surrounds the Facility, as required 35 Ill. Adm. Code 725.114(b)(2)(A);

4. Train all Facility personnel to perform their duties in a way which insures the Facility's compliance, as required by 35 Ill. Adm. Code 725.116(a);

5. Prepare and maintain personnel training records at the facility which document the training and job experience of each employee dealing with hazardous wastes management and emergency response, as required by 35 Ill. Adm. Code 725.116(d)(4);

6. Make arrangements to have available at the Facility or on call at least one properly trained employee, with the responsibility of coordinating all emergency response measures, as required by 35 Ill. Adm. Code 725.155;

7. Retain, at the Facility, a copy of each manifest for at least three years, as required by 35 Ill. Adm. Code 725.171(a)(5);

8. Make arrangements or design modifications to allow for collection of run-off from active portions of the Facility, as required by 35 Ill. Adm. Code 725.402; and

9. Prepare a map which indicates the exact locations and dimensions including depth of each cell with respect

to permanently surveyed benchmarks; and the contents of each cell and the approximate location of each hazardous waste type within each cell, as required by 35 Ill. Adm. Code 725.409.

G. If the U. S. EPA or the IEPA disapproves of all or any part of the plans required by Paragraphs C or E of this Section, the Respondent shall have thirty (30) days of receipt thereof in which to correct the deficiencies alleged in the disapproval. If the Respondent does not so correct the deficiencies to the satisfaction of the U. S. EPA or the IEPA within the thirty (30) day time period, or if the U. S. EPA or the IEPA fails to notify the Respondent of approval or disapproval of the plan or any correction thereto within the ninety (90) day time period, the parties reserve all rights to take appropriate judicial or administrative actions, including but not limited to, the right of either party to seek enforcement of the terms of this Consent Agreement and Final Order.

H. Notwithstanding any other provisions of this Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. §6973, or any other appropriate statutory authority, should the U. S. EPA find that the handling, storage, treatment, transportation or disposal of any solid or hazardous waste at the Facility may present an imminent and substantial endangerment to health or the environment.

IV. SIGNATORIES

Each undersigned representative of a signatory to this Consent Agreement and Final Order certifies that he or she is

fully authorized to enter into the terms and conditions of this Consent Order and to legally bind such signatory to this document.

Agreed this 26th day of August, 1985

By _____ for
Com-Pak Engineering, Inc.
Brighton Landfill Division
Respondent

Agreed this 10th day of September, 1985

By _____
Basil G. Constantelos, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

The above being agreed and consented to, it is so ordered this 10th day of September, 1985

_____
Valdas V. Adamkus
Regional Administrator
U.S. Environmental Protection
Agency, Region V