

ILLINOIS POLLUTION CONTROL BOARD  
June 7, 1979

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 77-188  
 )  
JOHN BURROWS and GEORGE W. HART, )  
JR., d/b/a HART-BURROWS' PIG )  
PONDEROSA, )  
 )  
Respondents. )

ORDER OF THE BOARD (by Mr. Young):

On May 29, 1979, the Environmental Protection Agency filed a Motion for Rehearing or Modification concerning our ruling which dismissed charges alleging violation of Rule 401(c). The Complainant maintains that the final order is in conflict with prior Board rulings.

After due consideration, the Board will recognize its holding on Rule 401(c) in EPA v. County of Lake, Department of Public Works, PCB 75-507, 23 PCB 223 (August 5, 1976), and find the Respondents in violation of "the five times rule" of Rule 401(c) as alleged in the Complaint.

The finding of this additional violation against the Respondents does not warrant any change or modification in the penalty provisions of the final opinion and order.

IT IS SO ORDERED.

Mr. Werner dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 7<sup>th</sup> day of June, 1979 by a vote of 4-1.

Christan L. Moffett <sup>gcb</sup>  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board