

ILLINOIS POLLUTION CONTROL BOARD
June 8, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-294
)
 MERLE BUERKETT and HAROLD CLINE,)
)
 Respondents.)

ORDER OF THE BOARD (by Mr. Dumelle):

On May 25, 1978 the Agency moved the Board to clarify its Order dated April 27, 1978 in this case. Since both Respondents are liable for the violation of Public Health Rule 5.07(b), the obligation to apply final cover and post bond of \$7,500 applies to both of them. Since neither of these Respondents held a Public Health permit, the proper date for expiration of the effectiveness of Public Health Rule 5.07(b) should be July 27, 1973.

On June 5, 1978, Respondent Cline filed a motion for rehearing in this case, and Respondent Buerkett filed a motion to vacate or modify the Board's prior Order, or alternatively, for a rehearing. Both of these motions are hereby denied in all respects.

Since there has been some confusion over the Board's prior Order, the 120 day period referenced in Paragraph 3 shall run from today's date.

The Board's Order in this case dated April 27, 1978 is hereby corrected to read as follows:

- 1) Respondents Merle Buerkett and Harold Cline are found to have violated Rule 5.07(b) of the Department of Public Health Rules and Regulations for Refuse Disposal Sites and Facilities for failure to apply final cover to a solid waste management site owned by Cline and operated by Buerkett from the period six months after terminating operations until July 27, 1973.


- 2) Respondents shall pay as a penalty the sum of \$250.00 each, payment to be made within 45 days of the date of this Order, by certified check or money order to:

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

- 3) Respondents shall apply final cover pursuant to Public Health Rule 5.07(b) within 120 days of the date of this Order and shall post a performance bond of \$7,500 to assure correction of the violation within the time prescribed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 8th day of June, 1978 by a vote of 50.



Christan L. Moffett, Clerk
Illinois Pollution Control Board