

ILLINOIS POLLUTION CONTROL BOARD
November 10, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-38
)
 ALVIN SCHEIBE, SR. d/b/a)
 RELIABLE SANITATION, and)
 JOHN OERTER,)
)
 Respondents.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Pollution Control Board (Board) upon a complaint filed by the Environmental Protection Agency (Agency) on February 10, 1976 alleging that Respondents cause or allow to be operated a solid waste site located in Section 27, Township 2 South, Range 10 West, in Monroe County, Illinois without an operating permit in violation of Rule 202(a) of the Solid Waste Regulations (Regulations) and Section 21(e) of the Environmental Protection Act (Act). The complaint further alleges that Respondents failed to place daily cover in violation of Rule 305(a) of the Regulations; that Respondents allowed underground fires in violation of Rule 311 of the Regulations; and that Respondents in violating Rules 305(a) and 311 of the Regulations have violated Sections 21(a) and 21(b) of the Act.

A hearing was held in this matter (no date given in record) at which time a Stipulation of Parties and Proposed Settlement was presented for the Board's approval.

The parties stipulate that there is no issue of fact as to the occurrence of the violations charged in the complaint. Respondents admit they have violated Sections 21(a), 21(b) and 21(e) of the Act and Rules 202(a), 305(a) and 311 of the Solid Waste Rules and Regulations. Respondents agreed to pay within thirty-five days of this order a penalty of \$1,000 for the admitted violations. The Agency states that evidence shows Respondents have ceased all operations at the site and have properly closed and covered the site. The Agency further states that Respondents have limited financial resources and have been cooperative in the continuing investigation of this matter.

The Board finds the Stipulation of Parties and Proposed Settlement to be acceptable under Procedural Rule 333. The Board finds Respondents to be in violation of the Regulations and the Act as alleged in the complaint. A penalty of \$1,000 is assessed.

This Opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. Respondents are found to have been in violation of Rules 202(a), 305(a), and 311 of the Solid Waste Regulations and Sections 21(a), 21(b) and 21(e) of the Act.
2. Respondents shall cease and desist all further violations.
3. Respondents shall pay a penalty of \$1,000 for the said violations within 35 days of this order. Payment shall be made by certified check or money order payable to:

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

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 10th day of November, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board