

ILLINOIS POLLUTION CONTROL BOARD
April 22, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
)
v.) PCB 75-232
)
)
CITY OF SPRINGFIELD,)
Respondent.)

- and -

CITY OF SPRINGFIELD,)
Complainant,)
)
)
v.) PCB 75-275
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On April 15, 1976, the City of Springfield filed a Motion for Stay Pending Appeal. On April 21, 1976, the Environmental Protection Agency (Agency) filed its opposition.

The Board has held that to stay the mandatory portions of an Order merely because judicial review has been sought would allow the very harm to continue which the Order meant to prevent and could cause injury to the public interest through delay. EPA v. Incinerator, Inc., 2 PCB 607 (1971). The Board in the instant case recognized that injury to the public is inherent when a violation of the permit requirements of the Act or Regulations occurs. To grant the City's Motion would be to allow that injury to continue. The Motion is, therefore, denied.

IT IS SO ORDERED.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 22ND day of April, 1976 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board