

ILLINOIS POLLUTION CONTROL BOARD
March 25, 1976

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 75-181
)
 LAGRANGE STATE BANK, TRUSTEE for)
 TRUST NO. 2404, E. JAMES ADCOCK)
 and GRACE A. ADCOCK,)
)
 Respondents.)

Mr. James L. Dobrovolny, Assistant Attorney General, appeared on behalf of Complainants.
Ms. Anne C. O'Laughlin appeared on behalf of the Respondents.

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

The People of the State of Illinois, Complainant, filed the original complaint in this matter on April 29, 1975. The Complainant subsequently filed two amended complaints, one on September 3, 1975 and one on November 10, 1975 establishing LaGrange State Bank as legal owner and trustee for trust number 2404 and E. James Adcock and Grace A. Adcock as beneficial owners of the parcel of land in question. This property is located south of 95th Street and east of Madison Street, in an unincorporated area south of the Village of Hinsdale, County of DuPage, State of Illinois, and is within 40 air miles of Meigs Field, Chicago, Illinois. The amended complaint charged Respondents with the open burning of large quantities of refuse, including but not limited to landscape waste and motor vehicle tires, without first obtaining a permit from the Environmental Protection Agency (Agency) in violation of Rule 502, Part V, Chapter 2 of the Air Pollution Control Regulations of the Illinois Pollution Control Board and Section 9(c) of the Illinois Environmental Protection Act, Ill. Rev. Stat. Ch. 111 1/2, par. 1009(c) (1973).

Complainant filed a Request for Admission of Facts on September 19, 1975. Respondent, LaGrange State Bank responded as Trustee of Trust No. 2404. Complainant then filed an amended complaint on November 10, 1975 followed by another Request for Admission of Facts. Respondents E. James Adcock and Grace A. Adcock (the Adcocks) answered and established themselves as the

beneficiaries of the legal interest of the aforementioned property. However the Adcocks denied allowing or causing the burning of large quantities of refuse on their land.

At the hearing a Stipulation and Proposal for Settlement was presented. There was no other testimony and no citizen comment. The agreed facts are that LaGrange State Bank is legal owner and trustee of the premises involved and the Adcocks are owners of the beneficial interest in the property. On or about April 21, April 22 and April 26, 1975 burning of large quantities of refuse (approximately 25 cubic yards in size) did take place on the aforementioned premises, but this was with no knowledge whatsoever on the part of the Respondents. Respondents have no permit for burning of refuse and admit burning of waste without a permit is in violation of Rule 502, Part V, Chapter 2, of the Air Pollution Control Regulations of the Board and in violation of Section 9(c) of the Act. The Adcocks agreed to a penalty of \$500 to be paid on final order of the Board. They will refrain from open burning on the premises without a permit and make good faith efforts to prevent others from so doing.

The Board finds that the Respondents were in violation of Rule 502(a), Part V, Chapter 2 of the Air Regulations and 9(c) of the Act. The Board also finds the Stipulation of Facts and Proposal of Settlement are acceptable remedies for the violations.

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


ORDER

It is the order of the Pollution Control Board that:

1. Respondents, LaGrange State Bank, E. James Adcock, and Grace A. Adcock violated Section 9(c) of the Environmental Protection Act, and Rule 502(a), Part V, Chapter 2 of the Air Pollution Control Regulations as set forth in the above opinion.
2. Respondents shall cease and desist the aforesaid violations.
3. Respondents, E. James Adcock and Grace A. Adcock shall pay a fine of \$500 for the determined violations. Payment shall be by certified check or cashier's check made payable to the

Treasurer of the State of Illinois and remitted to the Illinois Attorney General's Office, Environmental Control Division, 188 West Randolph, Suite 2315, Chicago, Illinois 60601 within 14 days of this order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 25th day of March, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board