

ILLINOIS POLLUTION CONTROL BOARD  
July 10, 1975

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-5  
 )  
 )  
 CITY OF EAST ST. LOUIS, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

This case involves a complaint, filed on January 6, 1975, alleging that Respondent, City of East St. Louis, owned and operated a solid waste management site without a permit from the Environmental Protection Agency (Agency), in violation of Rule 202(b) of the Solid Waste Regulations (Chapter 7) and Section 21(e) of the Environmental Protection Act (Act). More specifically, the complaint alleges that East St. Louis operated its site, located at 2001 Mississippi Avenue in East St. Louis, since July 27, 1974, including, but not limited to, July 31, 1974 and August 14, 1974. Under Rule 202(b)(1) all solid waste management sites were required to have obtained operating permits by July 27, 1974.

East St. Louis filed Motions to Dismiss and For Continuance on February 14, 1975. A hearing was held on February 20, 1975, at which stipulated testimony was entered. The Board entered an Interim Order dismissing the motions as moot on March 6, 1975.

The parties stipulated that East St. Louis owns the site in question, which has operated since at least 1965. The site handles sewage sludge, some demolition waste and municipal household waste. The Agency sent two letters to East St. Louis notifying it of the July 27, 1974 deadline for obtaining a permit. In addition, the Agency sent ten letters notifying East St. Louis that continued operation of the site constituted a violation of the Act.

East St. Louis admitted that it had operated the site without a permit up to and including September 18, 1974, in violation of the Act and regulations as alleged in the complaint. A permit application (Exhibit A) was submitted on September 19, 1974, and a letter of denial (Exhibit B) of said application was sent on December 2, 1974.

On the basis of the above facts, which constitute the complete record in this matter, we find that East St. Louis did violate the Act and regulations from July 27, 1974 until September 18, 1974, by operating its solid waste management site without a permit from the Agency. In consideration of Section 33 of the Environmental Protection Act we find there are insufficient facts to determine the degree of injury, the social and economic value, or the suitability of the pollution source to the area in which it is located. We assess a penalty of \$100 for this permit violation. The penalty would be larger were it not for the difficult financial position of the City of East St. Louis. Since the Agency failed to take final action on the permit application within forty-five days of the filing thereof, the permit may be deemed granted under Rule 205(g) of the Solid Waste Regulations and we need not order Respondent to apply and obtain such permit.

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

ORDER

Respondent, City of East St. Louis, shall pay a penalty of \$100 for the violations of Section 21(e) of the Environmental Protection Act and Rule 202(b)(1) of the Solid Waste Regulations found herein. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois Environmental Protection Agency, 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 July, 1975 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board