

ILLINOIS POLLUTION CONTROL BOARD  
May 8, 1975

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 74-473  
 )  
 E & E HAULING, INC. )  
 )  
 Respondent. )

ORDER OF THE BOARD (by Mr. Zeitlin)

The Board adopted a final Opinion & Order in this matter on March 26, 1975. Respondent E & E subsequently submitted to the Board on April 14, 1975 a letter requesting certain changes in the Board's Order. We elect to treat this request as a Motion Subsequent to Entry of Final Order under Board Procedural Rule 334.


Respondent E & E points out that the solid waste management site, which was the subject of our March 26, 1975 Order, received an operating permit from the Illinois Environmental Protection Agency on February 24, 1975. Petitioner requests that that portion of the Order requiring that all operations on the subject site cease and desist until a permit is issued be deleted. Insofar as a permit has in fact been issued, it is unnecessary that we delete a portion of our Order; if a permit has been issued, Respondent need not fear a cease and desist Order.

Petitioner also asks that the Board reconsider the penalty of \$2,000 which it imposed in this matter. Insofar as the Board imposed that penalty after due and careful consideration of all relevant factors, as required by the Environmental Protection Act and our own Procedural Rules, Respondent's Motion is denied.

IT IS SO ORDERED.

Mr. Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 8<sup>th</sup> day of May, 1975 by a vote of 4 to 1.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board