

ILLINOIS POLLUTION CONTROL BOARD
August 8, 1974

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
vs.)	PCB 74-94
)	
GLEN COOPER,)	
)	
Respondent.)	

ORDER OF THE BOARD (by Mr. Seaman):

On March 14, 1974, the Environmental Protection Agency filed Complaint against Glen Cooper, the owner and operator of a refuse disposal site located in Cass County, Illinois.

Complainant alleges numerous specific dates of violation (as many as 25) of Sections 21(a), 21(b) and 9(c) of the Environmental Protection Act; Rules 4.03(a), 5.03, 5.04, 5.06, 5.07(a), 4.07(b), 5.09, 5.10(a) and 5.10(d) of the Rules and Regulations for Refuse Disposal Sites and Facilities; and Rules 303(b), 304, 305(a), 305(c), 306, 308 and 314(f) of the Solid Waste Rules and Regulations.

We note that many of the alleged violations allegedly began on or about April 26, 1971 and were allegedly continuous in nature to at least the filing of Complaint on March 14, 1974.

On June 25, 1974, a public hearing was held in this matter. The sole action taken at that hearing was the admission of a Stipulation And Proposal For Settlement entered into between the parties. According to Paragraph 4 of that Stipulation, Respondent admits the violations alleged in the Complaint, for purposes of settlement only.

Attached to and made a part of the Stipulation are Exhibits (including inspection reports and photographs) which purport to show numerous and gross violations. By Paragraph 9 of the Stipulation, the parties agree that a penalty of \$1,000.00 be imposed for the violations alleged.

Paragraph 10 of the Stipulation and Proposal For Settlement states that the document shall be null and void should the Board fail to accept this settlement in all its particulars. We cannot accept this settlement. For scores of alleged violations, any one of which could subject an offender to a maximum penalty of \$10,000.00, we are asked to assess a penalty of \$1,000.00, upon no more foundation than blind faith that the parties have reached an appropriate figure. To do so would be an abdication of our responsibilities under the Act. No mitigation has been shown; in fact, with our rejection of the Stipulation, the Record in this matter consists solely of the Complaint.

Within forty-five (45) days of the date of this Order, Complainant shall:

1. File with this Board a statement of the factual considerations bearing upon the recommended penalty, including circumstances in mitigation and aggravation; and/or
2. File with this Board a new stipulation containing said information; or
3. Prepare the matter for hearing.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 8th day of August, 1974 by a vote of 4-0.

Christian L. Moffett