

ILLINOIS POLLUTION CONTROL BOARD
October 11, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 71-381
)
 RAYMOND A. PETERSEN and PETERSEN)
 SAND & GRAVEL, INC.,)
)
 Respondents.)

ORDER OF THE BOARD (by Mr. Seaman):

On September 12, 1973, Respondents in the above captioned cause filed a Motion requesting that the Board reconsider its Opinion and Order entered on August 23, 1973.

Respondents argue that the Board's Opinion of August 23, 1973 was based upon a Stipulation and Proposal for Settlement entered into between the respective parties on June 12, 1972 and that said Stipulation had been superseded and rendered inoperative by a subsequent Stipulation of Facts entered into on July 10, 1973.

It is noted that, by paragraph 9 of the July 10, 1973 Stipulation of Facts, Respondents admit violation of Rules 506 and 507 (a) of the Refuse Rules in that Respondents' method of spreading, compacting and covering were unsatisfactory.

Respondents also admit, by paragraph 3 of the July 10, 1973 Stipulation of Facts, to violation of Section 21 (e) of the Environmental Protection Act in that Respondents operated a refuse disposal site without a permit from the Agency.

On August 8, 1972, the Board entered an interim Opinion and Order in this cause. We observed therein (pages 2 and 3) as follows:

In addition we feel that the violation of operating for years without a State permit is particularly serious. The permit process serves two important

functions in the prevention of pollution: First the filing of a permit application gives the Agency the opportunity to investigate the situation to determine whether the future operation of the activity will be done in a manner so as to cause a minimum amount of environmental contamination. Second, once a permit is issued the Agency has actual knowledge that the activity is being conducted and therefore is in a position to make routine periodic field investigations to determine whether the activity is being conducted in violation of the pollution laws and regulations.

The Board is not disposed to disturb its findings as to violation of Rules 506 and 507 (a) of the Refuse Rules or Section 21 (e) of the Environmental Protection Act and our Order of August 23, 1973 shall remain as stated.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board certify that the above Order was adopted by the Board on the 11th day of October, 1973 by a vote of 4 to 0.


