



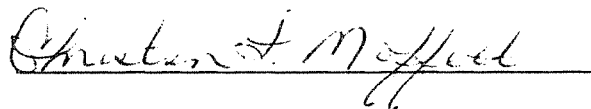
This Board is on record as favoring a reduction in time and expense of litigation whenever it is possible to arrive at an equitable settlement which serves the purpose of the Environmental Protection Act without a hearing. (See EPA v. Charles R. Rhodes, PCB 71-53, September 16, 1971; EPA v. Custom Farm Services, Inc. PCB 71-312, September 21, 1971; EPA v. Solid Waste Disposal Company, PCB 71-236, February 3, 1972; and EPA v. Russell, Burdsall & Ward Bolt and Nut Co. PCB 71-369, June 27, 1972).

This is another case in which the proposed settlement, if accepted, offers no opportunity for public comment. The Parties state in the STIPULATION that neither has been contacted by the public expressing an interest in a public hearing. We do not know whether this is because of unconcern or because the citizens are unaware of the proposed settlement. The Board will soon propose a change in its Rules which will establish a procedure more in keeping with the intent of the Act which was to assure an opportunity for public comment in the hearings. The instant case is relatively minor in terms of environmental impact or potential nuisance. The proposed terms are reasonable and will be effective. We shall accept them and assess an appropriate penalty for past violations.

ORDER

1. The City of Nashville shall diligently pursue an alternative means for disposal of its refuse and report progress to that end to the Board no later than November 25, 1972.
2. The City of Nashville shall cease and desist from violations of the Act and Rules and Regulations for Refuse Disposal Sites and Facilities.
3. The City of Nashville shall post a \$1000 performance bond with the Environmental Protection Agency to be forfeited in case the City fails to adhere to any of the conditions of this Order.
4. The City of Nashville shall pay a penalty of \$250 to the State of Illinois and send same to the Environmental Protection Agency, Fiscal Services Division, 2200 Churchill Road, Springfield, Illinois 62701

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted this 25<sup>th</sup> day of July, 1972, by a vote of 4 to 0.

  
Christan L. Moffett