

ILLINOIS POLLUTION CONTROL BOARD  
October 17, 1972

ENVIRONMENTAL PROTECTION AGENCY )  
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 v. ) PCB 72-257  
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 LESTER HAWKINS and CLARENCE HAWKINS )  
 )

OPINION & ORDER OF THE BOARD (by Mr. Dumelle)

The complaint alleges that on March 20, 1972 the respondents caused or allowed the open dumping of refuse, in violation of Section 21(b) of the Environmental Protection Act and Rule 3.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities. It further alleges that on the same day the respondents caused or allowed the open burning of refuse, in violation of Section 9(c) of the Act and Rule 3.05 of the Rules. It is also alleged that the respondents disposed of refuse in violation of Section 21(f) of the Act. A public hearing was held on August 18, 1972.

The evidence shows that on the day in question two Agency Inspectors observed the respondents drive up to a promiscuous dump site near Manchester, Illinois in an automobile with an attached trailer. Further investigation determined that the vehicles were owned by Lester Hawkins. The inspectors observed that the trailer was backed into the site, leaves and brush were removed, dumped onto the site and burned in spite of the presence and prohibitions of the Inspectors.

We find that the violations did occur as alleged. There is no indication in the record that the respondents are in the business of dumping or operating a dump site. Furthermore, one of the respondents is living on Social Security and the other is on welfare. Normally, we would levy a higher fine in this type of case but under the circumstances we believe that a penalty of \$25 for each respondent would be appropriate.


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

ORDER

1. The respondents shall cease and desist from all violations found in this opinion.

2. The respondents shall pay to the State of Illinois by December 1, 1972 the sum of \$25 each as a penalty for the violations found in this proceeding. 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 Drive, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 17<sup>th</sup> day of October, 1972 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board