

ILLINOIS POLLUTION CONTROL BOARD  
February 4, 1982

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 80-185  
 )  
 PIELET BROS. TRADING, INC., )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On January 20, 1982 Pielet moved for a stay of the Board's Order of December 17, 1981. The paragraphs of that Order provide respectively 1) that Pielet violated various provisions of Chapter 2 and 7, and of the Act 2) that Pielet cease and desist from said violations, and 3) that it pay a monetary penalty of \$7,500. Pielet seeks a stay because it has petitioned the Fifth District Appellate Court to review the Order. Issues presented for review are whether a permit is required for operation of the site and whether a two-year statute of limitations applies to enforcement actions brought before the Board.


The Agency filed a partial objection to the stay on January 27, 1982. It does not object to a stay of the payment of the penalty, or of that portion of the cease and desist order relating to the Chapter 7, Rule 202(a) operating permit requirement. It believes however that to stay the balance of the Order "would unnecessarily excuse Pielet from compliance with minimal environmental standards not in and of themselves at issue on appeal."

The Board finds the Agency's arguments highly persuasive. As the Board noted in its Opinion, while Pielet vigorously argued the two legal issues it has presented for appellate review, it did not controvert, explain, or otherwise attempt to mitigate evidence concerning violations of daily operating requirements, or the Act's prohibitions against open burning and open dumping (Opinion at 2, 4). A stay of the Board's Order in its entirety would therefore not only harm the environment, but would provide Pielet with relief from requirements and prohibitions whose applicability it did not contest at hearing.

Paragraph 3 of the Board's Order of December 17, 1981 is stayed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 4<sup>th</sup> day of February, 1982 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board