

ILLINOIS POLLUTION CONTROL BOARD
May 14, 1987

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Petitioner,)
)
v.) PCB 84-85
)
VILLAGE OF ORANGEVILLE,)
)
Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon the Illinois Environmental Protection Agency's (Agency) Verified Motion for Contingent Penalties filed on April 27, 1987. The Agency's verified motion states that the Village of Orangeville (Orangeville) failed to comply with provisions of the Board's Order of December 5, 1985. Orangeville's unverified response, filed May 11, 1987, failed to contain sufficient information to demonstrate compliance with that order, and included a motion for oral argument, which the Board granted. J. Milton Bostian, Village President of Orangeville, addressed the Board and the Attorney General's Office was present and responded.

Paragraph 4(a) of the Board's December 5, 1985, Order required installation of equipment to test for total suspended solids and fecal coliform. Paragraph 4(d) required installation of a master water meter. The Village President, during his May 14, 1987, oral statements to the Board, asserted that Orangeville had not installed any of this equipment and that it had no intention of doing so or of running the tests for total suspended solids and for fecal coliform. Paragraph 6 of the December 5, 1985, Order clearly stated.

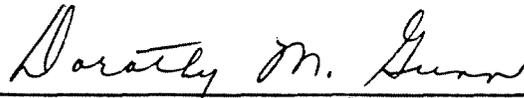
Should the Village of Orangeville fail to correct any of the violations enumerated in paragraph 4 above within 9 months of the date of this Order, or fail to comply with the provisions of paragraph 5, it shall pay an additional \$1,000 per month for each month of delay. However, in no event shall the penalties payable under this paragraph exceed \$7,000. Such penalties shall be paid in like manner and to the same address as provided in paragraph 3 of this Order.

Based on the information contained in the Agency's verified motion, as well as the Village President's statements, the Board finds Orangeville in violation of the Board's December 5, 1985, Order and, therefore, grants the Agency's motion for contingent penalties. As Orangeville has been in violation for more than eight months, Orangeville is hereby instructed to pay the \$7,000 civil penalty in the manner specified in the Board's Order of December 5, 1985.

IT IS SO ORDERED

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 14th day of May, 1987, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board