

ILLINOIS POLLUTION CONTROL BOARD  
August 18, 1977

ENVIRONMENTAL PROTECTION AGENCY,            )  
  )  
  Complainant,    )  
  )  
  )  
  v.                    )  
  )  
  )  
  )  
  )  
VILLAGE OF ODELL,                            )  
  )  
  )  
  Respondent.        )

PCB 77-55

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

This matter comes before the Pollution Control Board (Board) upon the February 18, 1977 Complaint of the Environmental Protection Agency (Agency) against Respondent the Village of Odell (Odell), charging violations of Rule 202(b)(1) of Chapter 7: Solid Waste Regulations and Section 21(e) of the Act. A hearing was held on May 11, 1977 and the parties filed a Stipulated Statement of Facts and Proposed Settlement on May 16, 1977.

Odell, an incorporated village, has operated a solid waste management site located in Odell Township, Livingston County, Illinois which covers approximately one acre. Under Rule 202(b)(1) of Chapter 7: Solid Waste Regulations, the operating of such facilities after July 27, 1974 requires an operating permit issued by the Agency. Without having obtained an operating permit, Odell operated its solid waste management site after July 27, 1974, including but not limited to August 12, 1974, November 7, 1974, June 14, 1976 and September 29, 1976. Odell ceased operations after receiving notice of this Complaint and later closed the site with two feet of compacted cover which was properly contoured and seeded. After operations ceased, solid waste from the Village has been placed in a roll-off located at this site, and Odell has made arrangements to have full roll-offs removed and replaced as needed.

Odell, in its stipulation, admits having operated its solid waste management site without an operating permit in violation of

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Rule 202(b)(1) of Chapter 7: Solid Waste Regulations and Section 21(e) of the Act. Odell agrees to cease and desist from operating this facility without an operating permit.

The Board accepts the stipulation and settlement of the parties and finds Odell in violation of Rule 202(b)(1) of Chapter 7: Solid Waste Regulations and Section 21(e) of the Act. The Board has considered the Section 33(c) factors (character and degree of injury, social and economic value of the pollution source, suitability of the pollution source to the area and technological practicability and economic reasonableness of abatement) in reaching its decision. Odell has the burden of producing evidence concerning the factors. Processing and Books, Inc. v. Pollution Control Board, 64 Ill.2d 68, 351 N.E.2d 865 (Ill. Sup. Ct. 1976). Based on the evidence presented, the Board imposes the stipulated penalty of \$250.00 for Odell's violations.

This Opinion constitutes the Board's findings of facts and conclusions of law.

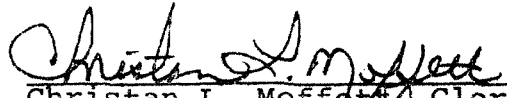
ORDER

It is the Order of the Pollution Control Board that:

1. Odell is in violation of Rule 202(b)(1) of Chapter 7: Solid Waste Regulations and Section 21(e) of the Act.
2. Odell shall cease and desist from operating its solid waste management site without an operating permit issued by the Agency.
3. Odell shall pay a penalty of \$250.00 for its violations, payment to be made within 35 days of the date of this Order by certified check or money order to:

State of Illinois  
Fiscal Services Division  
Illinois Environmental Protection  
Agency  
2200 Churchill Road  
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 18<sup>th</sup> day of August, 1977 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board