

ILLINOIS POLLUTION CONTROL BOARD
October 9, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 75-157
)
 AAA DISPOSAL SYSTEMS, INC.)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Henss):

The Environmental Protection Agency alleges that Respondent AAA Disposal Systems, Inc. has operated a waste management site near Roscoe in Winnebago County, Illinois without an operating permit. Respondent is alleged to have operated this site from July 27, 1974 through April 14, 1975 in violation of Rule 202(b)(1) of the Illinois Solid Waste Regulations and Sections 21(b) and 21(e) of the Environmental Protection Act.

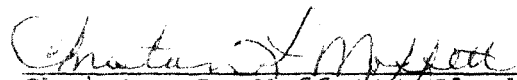
A public hearing was held in this matter on July 21, 1975, however, no witnesses testified. In lieu of testimony at the hearing the attorneys read into the record a Stipulation of Facts and Proposal for Settlement. This Stipulation and Proposal is submitted in resolution of the enforcement proceeding, and the Board is asked to approve the settlement conditions.

The Board has not been provided a signed copy of the Stipulation and Proposed Settlement. There is no showing that the Complainant Environmental Protection Agency has accepted the Agreement. We have previously held in *EPA vs. City of Marion*, PCB 71-25 and *EPA vs. Ralston Purina*, PCB 71-88, that a party's attorney cannot settle a case without that party's consent. Since it is unclear in this instance whether the parties have consented to the settlement we must return this matter to the Hearing Officer for further proceedings. If it is the intent of the parties to submit the settlement which was discussed on the date of the public hearing then an appropriate document should be filed with the Board within 45 days of the date of this Order. If the parties do not wish to settle on the basis stated by the

attorneys on July 21, 1975 then a new public hearing shall be scheduled at which time the case will be heard on the merits or a new settlement agreed upon.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted the 9th day of October, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board