

ILLINOIS POLLUTION CONTROL BOARD

July 10, 1975

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.) PCB 74-462
VILLAGE OF LOUISVILLE,)
Respondent.)

MARILYN B. RESCH, attorney for Complainant.
H. CARROLL BAYLOR, attorney for Respondent.

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On December 10, 1974, the Illinois Environmental Protection Agency (Agency) filed a Complaint against the Village of Louisville. The Agency alleged that from July 27, 1974, until December 10, 1974, Respondent operated its solid waste management site without an Agency Operating Permit in violation of Section 21(e) of the Illinois Environmental Protection Act (Act) and Rule 202(b)(1) of the Solid Waste Regulations (Chapter 7). The one-acre site is located in the NE 1/4 of Section 26, Township 4 North, Range 6 East in Clay County, Illinois.

A hearing was held on February 25, 1975, in the Clay County Courthouse in Louisville, Illinois. A Stipulation of Parties and Proposed Settlement (Stipulation) was entered into evidence. No additional evidence was presented, and no citizen witnesses were present except two Village trustees from Louisville.

The Stipulation provided that:

1. Respondent was in violation of Section 21(e) of the Act and Rule 202(b)(1) of Chapter 7 from July 27, 1974, until December 10, 1974.
2. Application for permit filed on September 23, 1974, was denied by the Agency on December 3, 1974, due to insufficient information and lack of engineering certification.
3. Respondent had been cooperating with the Agency for several months before permit application was made and at the time of application was in general compliance with the Act and Chapter 7.

4, The solid waste management site was closed down by Respondent upon receipt of the Complaint. An engineer was hired to determine the cost of correctly completing the permit application which costs were subsequently determined to be prohibitive to the City and its 900 citizens.

5. An independent contractor began collecting the refuse January 10, 1975.

The Agency stated in the Stipulation that based upon Respondent's good faith attempts to comply and its continued cooperation, "no penalty need be assessed" and that the Agency's "interest shall be satisfied by an order requiring that Respondent discontinue all refuse disposal activities at the subject site and properly close said site unless an appropriate permit is applied for from the Agency within 30 days and obtained within 120 days of the Board Order."

We find the Stipulation generally acceptable. While good faith efforts to comply apparently began in July 1974, action should have been taken earlier to avoid a violation of the Act and Chapter 7. We accept the Agency recommendation for no penalty since Louisville is a small municipality with limited financial assets.


This constitutes the findings of fact and conclusions of law of the Board.

ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. Respondent shall cease and desist violating the Act and Chapter 7 as established in this Opinion.
2. Respondent shall not reopen its solid waste management site until an Operating Permit has been received from the Agency. If the site is not reopened, final cover shall be in place by November 1, 1975.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 10th day of July, 1975, by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board