

ILLINOIS POLLUTION CONTROL BOARD  
November 14, 1972

ENVIRONMENTAL PROTECTION AGENCY )  
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)  
v. ) # 72-95  
)  
)  
DAVID HALVERSON )

Interim Opinion & Order of the Board (by Mr. Currie):

The parties have submitted an agreed statement of facts indicating the construction and operation of a public water supply without a permit, the failure to submit required samples, and the failure to employ a certified operator. All these violations, it is agreed, have since been terminated. What we lack is any guidance from the parties as to what order we should enter.

As long ago as EPA v. Chicago Housing Authority, #71-320, 3 PCB 259 (Dec. 9, 1971), we observed that it is part of the complainant's case to provide us with information on which we can base an informed decision as to the appropriate remedy. In that case, where a hearing had been held but no evidence as to appropriate remedies had been received, we remanded the case for further proceedings, pointing out "for future reference that it is highly desirable that evidence as to remedy be placed in the original record" to avoid delays in decision. We reaffirmed the obligation of the parties to make recommendations as to remedy only a few weeks ago during oral argument in #72-79, EPA v. Sangamo Constr. Co. After all, as we then stated, the case was EPA's, not ours. The party seeking relief from the Board should make whatever factual record and whatever argument is necessary to support the remedial order desired.

Our need for proposals from the parties as to remedy is in no way diminished by the fact that the facts relating to the existence of a violation are admitted, as here.

We shall allow 30 days for the submission of relevant information from the parties on the question of remedy.

It is so ordered.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Interim Opinion & Order this 14th day of November, 1972 by a vote of 5-0.

Christan J. Moffett