

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1975

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 75-63
)	
JOHN GALVIN and JACQUELINE GALVIN,)	
)	
Respondents.)	

Ms. Joan Wing, Assistant Attorney General, Attorney for
Complainant
Mr. John Galvin, Pro Se

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

This case involves a Complaint filed by the People of the State of Illinois (People) on February 11, 1975, alleging that Respondents, John Galvin and Jacqueline Galvin (Galvin), allowed or burned, or caused or allowed to be burned on land owned by Respondents, large quantities of landscape wastes in violation of Rule 502 of the Air Pollution Regulations (Chapter 2) and Section 9(c) of the Environmental Protection Act. More specifically, the Complaint alleges that Respondents burned said wastes on or about February 3, 4, 5, 6 and 8, 1975 on a parcel of property lying south of Elgin Road (U. S. 20) in the NW 1/4 of the SW 1/4 of Section 27, Township 41 North, Range 9 East, in Hanover Township, Cook County, Illinois, which parcel is within 40 air miles of Meigs Field, Chicago, Illinois, without first obtaining a permit from the Environmental Protection Agency (Agency) as required by Rule 502 of the Air Pollution Regulations.

Hearing was held on April 25, 1975 at which time a Stipulation and Proposal for Settlement was entered into the record. No additional evidence was adduced at the hearing; no members of the public were present.

In the Stipulation, Galvin admits ownership of the above described parcel of real property and the burning of quantities of landscape waste on said property on February 3, 4, 5, 6 and 8, 1975 without having first obtained a permit from the Agency. Galvin further admits to violation of Rule 502 of Chapter 2 and Section 9(c) of the Act and to payment of a penalty of \$250.00 for such violation.

On the basis of the foregoing and the Stipulation which constitutes the entire record in this case, we find that Galvin did violate the Act and Regulations as charged in the Complaint by causing or allowing open burning of landscape wastes without having first obtained a permit from the Agency in violation of Rule 502 of the Air Pollution Regulations and Section 9(c) of the Environmental Protection Act. A penalty of \$250.00 will be assessed for these violations.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. Respondents, John Galvin and Jacqueline Galvin, shall pay a penalty of \$250.00 for violation of Section 9(c) of the Environmental Protection Act and Rule 502 of the Air Pollution Regulations found herein. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 35 days of this Order to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. Respondents, John Galvin and Jacqueline Galvin, shall cease and desist from any open burning on property owned by them without first obtaining a permit from the Illinois Environmental Protection Agency.

3. Respondents, John Galvin and Jacqueline Galvin, shall take all reasonable and necessary action to prevent any third persons from open burning on property owned by them without first obtaining a permit from the Illinois Environmental Protection Agency.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18th day of December, 1975 by a vote of 4-0.

Christan L. Moffett (g)
Christan L. Moffett, Clerk
Illinois Pollution Control Board