

ILLINOIS POLLUTION CONTROL BOARD  
May 22, 1975

ENVIRONMENTAL PROTECTION AGENCY,        )  
  )  
                                  Complainant,        )  
  )  
                  vs.                                )        PCB 74-402  
  )  
CITY OF HILLSBORO,                                )  
  )  
                                  Respondent.        )

FREDRIC BENSON, Assistant Attorney General for the EPA  
GEORGE GINOS, Attorney for Respondent

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

The Environmental Protection Agency alleges that City of Hillsboro operated a solid waste management site without an operating permit in violation of Section 21(e) of the Environmental Protection Act and Rule 201(b)(1) of the Solid Waste Regulations. The violations allegedly occurred from July 27, 1974 to October 29, 1974. The public hearing on this matter was held in February 1975.

At the public hearing, the parties submitted a Stipulation of Facts and Settlement Proposal in lieu of protracted litigation. The Board is asked to approve the Proposed Settlement based upon the facts and background information submitted.

The Stipulation shows that Respondent received letters from the Agency on August 29, 1973, February 8, March 20, April 16, May 6 and July 22, 1974 advising Respondent that its refuse disposal site did not have an Agency permit. On April 26, 1974 Respondent applied to the EPA for an operating permit. This application was found lacking in pertinent information and Respondent was notified May 20, 1974 of the permit denial. A second application was submitted on December 4, 1974 and again the permit was denied.

A third permit application has not been officially reviewed by the Agency but a cursory examination indicates that all required information has now been submitted. Respondent shut down its refuse disposal site shortly after the filing of the Complaint, and the site has remained closed since that time.

At the hearing, Respondent's attorney stated that Respondent intended to keep the site closed until the permit is obtained (R. 9).

Respondent "admits that it has violated Section 21(e) of the Act and Rule 202(b)(1) of the Solid Waste Regulations in the manner specified in the Complaint". However, Hillsboro claims that the delay in obtaining a permit was neither intentional nor bad faith neglect on its part but is due to the City Engineer's preoccupation with other environmentally related matters.

During the past year Respondent has been engaged in major improvements to its water treatment facilities, corrective work on its sewage treatment plant and buying land to be used for the construction of a lake. The Mayor and City Council members serve the City (population 4,000) on a part-time basis only. Respondent believes that, when all of these actions are considered, it is evident the City officials seek to abide by the law for the protection of the environment and the health of individuals.

Respondent is willing to pay a penalty of \$750 and properly close its refuse disposal site in the event an operating permit is not obtained within 120 days. The Agency agrees that the penalty and agreement regarding site closure is satisfactory.

We accept the Proposed Settlement. The Board finds that Respondent did operate a solid waste management site without operating permit, as charged, and that a monetary penalty of \$750 and agreement for possible closure of the site are appropriate in this case.

This Opinion constitutes the findings of fact and conclusions of law of the Illinois Pollution Control Board.


ORDER

It is the Order of the Pollution Control Board that:

1. City of Hillsboro shall pay to the State of Illinois by June 19, 1975 the sum of \$750 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706.

2. Respondent shall properly close its waste disposal site in Montgomery County, Illinois if an operating permit for the site has not been obtained within 120 days of the date of this Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22<sup>nd</sup> day of May, 1975 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board