

ILLINOIS POLLUTION CONTROL BOARD

June 20, 1972

ENVIRONMENTAL PROTECTION AGENCY)
)
 v.) PCB 72-169
)
 TERMINAL RAILROAD ASSOC. OF)
 ST. LOUIS)

Thomas J. Immel, counsel for the Environmental Protection Agency
Norman J. Gundlach, counsel for Terminal Railroad Association of St. Louis

Opinion of the Board (by Mr. Aldrich)

The Environmental Protection Agency filed a complaint April 20, 1972, against Terminal Railroad Association of St. Louis alleging open burning of refuse and railroad ties in violation of Section 9(c) of the Environmental Protection Act [Ill. Rev. Stat. 1971, Ch. III 1/2 1009(c)] and of Rule 402(a) of Ch. 3, Part IV of the Illinois Pollution Control Board Rules and Regulations.

Terminal Railroad Association of St. Louis owns and operates facilities, including repair shops on Industrial Avenue, National City, Illinois, where the alleged burning occurred.

The parties submitted a stipulation in lieu of a public hearing. Respondent admits that open burning of wooden pallets occurred on September 16, 1971. Respondent agrees that a letter from the Environmental Protection Agency on June 3, 1971, called attention to the fact that "Railroad ties, other debris, and both cut and uncut landscape wastes are often permitted to accumulate along railroad right-of-ways" and requested Terminal Railroad to "take steps to insure that such situations do not occur." The stipulation suggests that Terminal Railroad shall cease and desist violation of the Environmental Protection Act and pay a \$1000 penalty for the violation.

In evaluating the conditions of the stipulation we recognize that Terminal Railroad was not warned about a potential for pollution at a specific site, but only received a general form letter. Furthermore, Respondent stated in a letter of October 18, 1971, that the wooden pallets had been stacked for removal from the property and that burning was neither intended nor authorized by anyone in authority. The Agency investigator reported no odor nor Ringelman violation in connection with the burning.

We conclude that the proposed conditions of the stipulation are reasonable and acceptable and they are hereby so ordered. The

Stipulation contained the statement that "---neither of the undersigned have any indication of public interest in attending--a hearing."

ORDER

1. Terminal Railroad Association of St. Louis shall cease and desist from open burning in violation of the Environmental Protection Act and the Regulation of the Illinois Pollution Control Board.
2. Terminal Railroad Association of St. Louis shall within 35 days of the filing of this order pay to the State of Illinois a penalty of \$1000, such payment to be made to the Fiscal Service Division of the Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 20th day of June, 1972, by a vote of 5-0.


