

ILLINOIS POLLUTION CONTROL BOARD
May 29, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 74-453
)
 JAKE SEETS, SR.,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Henss):

The Environmental Protection Agency alleges that Respondent operated a solid waste management site without an operating permit in violation of Rule 202(b)(1) of the Solid Waste Rules and Regulations and Section 21(e) of the Environmental Protection Act. The matter proceeded to hearing on the merits April 9, 1975. Three witnesses testified for Complainant and exhibits were introduced into the record. When Complainant concluded its case in chief Respondent moved to dismiss the action on the ground that Complainant had failed to establish a prima facie case. The Hearing Officer referred the motion to the Board for disposition.

We have reviewed the evidence introduced to date and find that Complainant has introduced sufficient evidence to establish a prima facie case. According to this incomplete record Respondent admitted that he was accepting 12 cubic yards of refuse a day and admitted that he did not have a permit for the operation of a solid waste management site. We make no findings of fact beyond our determination that a prima facie case has been established.

All other motions made by the parties during the public hearing shall be taken with the case.

It is ordered that Respondent's motion to dismiss at the conclusion of Complainant's case in chief be denied. The Hearing Officer is directed to set this matter for hearing within 30 days for the completion of the record.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above order was adopted on the 29th day of May, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board