

ILLINOIS POLLUTION CONTROL BOARD  
May 22, 1975

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 74-419  
 )  
 ROGER RINNE d/b/a S&L )  
 Sanitation Service, )  
 )  
 Respondent.

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

The Environmental Protection Agency (Agency) filed this action on November 13, 1974, charging Respondent Roger Rinne with violation of Rule 202(b)(1) of the Solid Waste Rules and Regulations (Chapter 7: Solid Wastes) of the Pollution Control Board (Board) and Section 21(e) of the Environmental Protection Act (Act). Rule 202(b)(1) provides for a permit from the Agency to operate a solid waste management site and Section 21(e) of the Act prohibits any refuse collection or disposal operations without an Agency permit.

Respondent's solid waste management site is located in Section 36, Township 5 South, Range 5 West, in Randolph County, Illinois.

A hearing was held in Sparta, Randolph County, Illinois on February 20, 1975, at which the parties to the action did not present any witnesses but did introduce a Joint Exhibit titled "Stipulation of Parties and Proposed Settlement."

Before the Exhibit could be introduced, a witness who identified himself as the operator of a competing landfill site testified on matters not related to the charges in the Complaint. His testimony was relevant to the establishment of a penalty.

Respondent, in the Stipulation admits his violations of Rule 202(b)(1) and Section 21(e) of the Act. The Agency acknowledges Respondent's evidence that Respondent engaged an engineer to prepare a permit application in 1971 and that preparation of permit application was delayed due to no fault of Respondent.

The Stipulation also notes that Respondent has had a permit application on file with the Agency since November 18, 1974.

The Stipulation provides that Respondent is to pay a penalty of \$750 within 35 days of the date of the Board's Order, and that if a permit is not issued within 120 days of the Board's Order, all refuse disposal activities shall be discontinued at the subject site and said site shall be properly closed.

The Stipulation of the Parties and Proposed Settlement will serve to further the purposes of the Act and to maintain the integrity of the permit system, and is therefore accepted by the Board.

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

ORDER


IT IS THE ORDER of the Pollution Control Board that:

1. Respondent Roger Rinne d/b/a S&L Sanitation Service is found to have operated a solid waste management site in Randolph County, Illinois in violation of Rule 202(b)(1), (Chapter 7, Solid Wastes) of the Rules and Regulations of the Pollution Control Board, and of Section 21(e) of the Environmental Protection Act.
2. Respondent shall pay a penalty of \$750 within 35 days of the date of this Order. Payment shall be made to:

State of Illinois  
Fiscal Services Division  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

3. If Respondent is not issued an operating permit by the Environmental Protection Agency within 120 days from the date of this Order, Respondent shall discontinue all refuse disposal activities at the subject site and properly close the said site.

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

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board