

Respondent has stipulated further (R. 3) that Complainant's photographs of the dumping facility be admitted into evidence as proof of the remaining allegations of the complaint. The record of the hearing, therefore, consists of Respondent's evidence and argument in mitigation and Complainant's rebuttal thereof (R. 3).

The Respondent, City of Albion, is a community of approximately 1,800 people. The County of Edwards has a population of approximately 7,000.

Respondent provides no garbage pick-up service. The citizens individually haul their garbage and refuse to the dumping facility in question which operates two days a week (R. 6). The refuse is dumped into pits which are often allowed to remain open (R. 8). Large articles such as stoves and refrigerators are allowed to remain on the surface of the dump for years (R. 11).

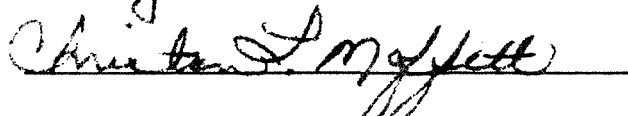
Respondent's witness, Mayor George Perry, testified that he was aware of the situation (R. 13) and that the Respondent was doing the best it could with its limited resources (R. 14). Respondent's annual budget is \$50,000 per year (R. 81).

It is apparent from a reading of the record that Respondent has made no effort to comply with the pertinent sections of the Act and Rules. It is equally apparent, however, that closing the dumping facility at this time would serve only to aggravate the situation; although violative conditions will not be permitted indefinitely.

Normally, the facts of the case would indicate that this Board should impose a penalty. However, because of the lack of funds of the Respondent municipality, we see no reason to further add to their fiscal problems.

IT IS THE ORDER of the Pollution Control Board that Respondent, City of Albion, shall within 30 days from the date of this order, apply for a permit from the Environmental Protection Agency to operate its dumping facility. It is further ordered that Respondent shall, within 90 days from the date of this order, bring its dumping facility and procedures into compliance with Section 21 of the Illinois Environmental Protection Act and the Rules adopted pursuant to Section 22 thereof.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 24th day of May, 1973, by a vote of 4 to 0.



Christan L. Moffett