

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1988

IN THE MATTER OF:)
)
VILLAGE OF EAST GALESBURG,) AC 87-89
) (IEPA 8560-AC)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On October 29, 1987 the Board granted a stay of this proceeding pending final action on the Motion for Reconsideration of the Board's ruling in Illinois Environmental Protection Agency v. James Pressnall, AC 87-6, September 17, 1987, that under Section 31.1 of the Act only permitted sanitary landfill operations are subject to Administrative Citation Enforcement. On December 17, 1987 the Board adopted a Supplemental Opinion and Order affirming the September 17, 1987 Order. In light of the Board's final action in Pressnall, the Board now takes final action in this case.

The Administrative Citation issued to Respondents alleged operation of a sanitary landfill without an Illinois Environmental Protection Agency Operating Permit. Applying the rationale of Pressnall, the Board finds that the Administrative Citation was improperly issued to Respondents. Without a permit to operate a sanitary landfill, the Respondents are not amenable to an Administrative Citation action. This proceeding is therefore dismissed.

The Board notes that this dismissal in no way precludes the filing of an enforcement action concerning these alleged violations.

IT IS SO ORDERED.

Board Member B. Forcade dissented.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985, ch. 111-1/2, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 7th day of January, 1987 by a vote of 5-1.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board