

ILLINOIS POLLUTION CONTROL BOARD  
February 22, 1984

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	PCB 81-132
	)	
v.	)	
	)	
BORDEN CHEMICAL, a Division	)	
of Borden, Inc., a New Jersey	)	
corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by W. J. Nega):

On November 14, 1983, the parties filed a Stipulation and Proposal for Settlement which provides for a \$30,000 stipulated penalty.

While the proposed settlement agreement appears to be generally acceptable under 35 Ill. Adm. Code 103.180, the Board finds that the parties shall submit more information as to the various factors which were considered, and the weight given to each of these factors, specifically how the amount of the proposed stipulated penalty was decided upon.

Relevant factors in the determination of the proposed penalty which should be addressed by the parties include (but are not limited to) the following considerations: (1) the amount of money saved by non-compliance; (2) whether the Respondent showed good faith in taking measures to correct the violations and to avoid environmental harm; (3) the degree of actual injury or harm to the environment; (4) the duration and severity of the violations; (5) penalties in comparable cases; and (6) whether these violations represented a first offense or whether there were prior Agency warnings and contacts pertaining to corrective actions, etc.

Within 30 days of the date of the Order, the parties shall submit the necessary information showing that the proposed stipulated penalty is appropriate in light of the particular facts and circumstances of this case.

IT IS SO ORDERED.

Board Members J. Dumelle and J. Anderson dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22<sup>nd</sup> day of February, 1984 by a vote of 4-2.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board