

ILLINOIS POLLUTION CONTROL BOARD  
August 18, 1982

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
RONALD WHEELER AND ROBERT WHEELER, )  
individually, and doing business as )  
WHEELER GARAGE AND COAL HANDLING )  
OPERATION, )  
 )  
Respondents. )

PCB 81-143

ORDER OF THE BOARD (by I. G. Goodman):

On July 15, 1982 the Illinois Environmental Protection Agency (Agency) filed a Motion for Reconsideration of the Board's June 10, 1982 Order herein. In that Order the Board rejected a proposed settlement providing for deposit of the stipulated penalty into the Environmental Protection Trust Fund, as established by P.A. 81-951, questioning the statutory authority to have penalties imposed by the Board paid into this trust fund. The Board finds some of the arguments presented by the Agency in its Motion for Reconsideration to be potentially persuasive and will therefore grant reconsideration. The Board will reconsider its June 10, 1982 Order and will either affirm the Order, modify the Order, or decide the case as it stands.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 18<sup>th</sup> day of August, 1982 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board