

ILLINOIS POLLUTION CONTROL BOARD
August 23, 1979

ENVIRONMENTAL PROTECTION AGENCY and)
THE METROPOLITAN SANITARY DISTRICT)
OF GREATER CHICAGO,)
)
Complainants,)
)
v.) PCB 75-12
)
INTERNATIONAL HARVESTER COMPANY,)
a Delaware corporation, and WSC)
CORPORATION, a Delaware corporation,)
)
Respondents.)

INTERIM ORDER OF THE BOARD (by Mr. Goodman):

On July 27, 1979 the parties to this action requested that a Stipulation and Proposal for Settlement (Stipulation) be adopted by the Board. The Stipulation's proposed penalty has three parts: 1) International Harvester agrees to pay the State and the Metropolitan Sanitary District (MSD) each \$12,000 within 10 days after entry of an Order of the Board approving the Stipulation; 2) WSC Corporation agrees to pay the State and the MSD each \$14,500 within 10 days after entry of an Order of the Board approving the Stipulation; and 3) WSC Corporation, in the event of an early compliance, is entitled to prescribed credits against any penalty due to the State and MSD.

The penalty herein is a contingent one. The Board does not favor the imposition of contingent or suspended penalties; they interfere with the Board's duty to determine the penalty amount and the conditions under which the penalty is warranted. Such penalties preclude the Board from considering any mitigating or aggravating factors should non-compliance occurs.

The Board hereby rejects the Stipulation. The case is remanded for further proceedings consistent with this Order.

IT IS SO ORDERED.

Dr. Satchell abstains.

Mr. Young dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 23RD day of August, 1979 by a vote of 3-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board