

ILLINOIS POLLUTION CONTROL BOARD
February 26, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-494
)
PIELET BROS. TRADING, INC., an)
Illinois corporation, and)
SEYMOUR PIELET,)
)
 Respondents.)

ORDER OF THE BOARD (by Mr. Young):

On February 17, 1976, Respondent filed with the Board its Motion to Dismiss or in the Alternative to Strike. This Motion is based on the theory that the Board's power to impose variable fines is an unconstitutional delegation of judicial power.

The Supreme Court of Illinois has specifically rejected this argument in City of Waukegan v. Environmental Protection Agency, 57 Ill. 2d 170 (1974). Respondent's Motion is therefore denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 26th day of February, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board