

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1974

CITIZENS FOR A BETTER ENVIRONMENT)
An Illinois Not-for-Profit Corp.,)
)
Complainant,)
)
vs.) PCB 74-19
)
INTERNATIONAL HARVESTER COMPANY,)
Hough Division,)
)
Respondent.)

Mr. Dennis L. Adamczyk appeared for Complainant
Mr. William A. Domm, attorney for Respondent

INTERIM ORDER OF THE BOARD (by Dr. Odell)

Citizens for a Better Environment filed a Complaint against International Harvester Company on January 14, 1974. A hearing took place in Waukegan, Illinois on April 25, 1974. At that time, the parties entered a Stipulation into the record. Paragraph Ten of the Stipulation read:

"10. International Harvester Company will make a payment to the State of Illinois in the amount of \$1,000 to be used by the State of Illinois for water pollution control research. This sum will be payable within 30 days after the final approval is received by the Illinois Pollution Control Board of this settlement."

The Pollution Control Board (Board) lacks the power to implement the terms of paragraph 10 of the Stipulation. The Board does not have the statutory prerogative to authorize payments for water pollution control research. Section 42(b) of the Environmental Protection Act limits us to the imposition of penalties payable to the State of Illinois or to the Game and Fish Fund in the State Treasury in the event that fish and aquatic life is destroyed.

We remand this cause to the parties for further proceedings. The parties are requested to file an amended Stipulation within 15 days of the adoption of this Order. Such Stipulation should provide that any agreed upon monetary penalty be payable to the general revenue of the State of Illinois, rather than be restricted to water pollution control research.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Opinion and Order was adopted on the 20th day of June 1974, by a vote of 5 to 0.