

ILLINOIS POLLUTION CONTROL BOARD
August 9, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-41
)
CALVIN GEISS, d/b/a C & A DISPOSAL)
COMPANY and FRED D. BENNITT,)
)
Respondents.)

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

The Agency's Motion to Expedite Board Decision, filed August 1, 1979, is hereby granted. Said motion requests the Board to "issue its opinion with regard to the Stipulation and Proposal for Settlement filed in this cause on August 1, 1979, as quickly as possible."

The Board disfavors "suspended" penalty provisions (see EPA v. Village of Ridgway, PCB 79-3, Interim Orders of June 22, 1979 and July 26, 1979; EPA v. Sundale Sewer Corp., PCB 78-88 and PCB 78-225 Consolidated, Interim Order of July 12, 1979; and Dissenting Opinion of Chairman Dumelle on August 26, 1979 in EPA v. City of Georgetown, PCB 78-127).

The parties' Proposal for Settlement contains a "suspended" penalty provision and is hereby remanded for resubmission consistent with this Interim Order.

IT IS SO ORDERED.

Mr. James Young dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 9th day of August, 1979 by a vote of 3-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board