

ILLINOIS POLLUTION CONTROL BOARD
July 12, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 71-358
)
 ALUMINUM COIL ANODIZING CORPORATION,)
)
 Respondent.)

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Motion to continue hearings pending resolution by the Supreme Court of Illinois of the case of City of Waukegan v. Environmental Protection Agency has been filed by respondent. The foregoing case holds that the Board does not possess power to impose penalties notwithstanding the provisions of the Environmental Protection Act.

We are not disposed to suspend enforcement procedures pending resolution of the Waukegan case. In the first place, the Board possesses enforcement capabilities in addition to the assessment of penalties. Second, we can make no pre-judgment at this stage that a penalty should be assessed. Lastly, in the event a penalty is assessed, the question of its collection can be resolved at that time, based upon status of the Waukegan case, or such other determination as may be made as to the Board's capability of penalty assessment. The motion to continue is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 12th day of July, 1973, by a vote of 4 to 0.

Samuel T. Lawton, Jr.