

ILLINOIS POLLUTION CONTROL BOARD
January 10, 1974

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.)
) PCB 72-316
 ILLINOIS CENTRAL RAILROAD COMPANY)
 (WAMAC),)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Seaman):

On November 28, 1973, Respondent, Illinois Central Railroad Company (WAMAC), filed its Petition to Modify Opinion and Order in the captioned cause. Petitioner requests that the Board clarify its Opinion and Order dated October 18, 1973, in the captioned cause.

Specifically, Petitioner requests that we enumerate the statutes, rules or regulations we found Petitioner to have violated. Suffice to state that this Board found Petitioner to have violated each and every statute, rule or regulation set out in the first paragraph of our October 18, 1973, Opinion and Order. This Board found that Petitioner caused or allowed its effluents to contain settleable solids, floating debris, visible oil, grease, scum or sludge solids and color, odor and turbidity above obvious levels, thereby causing or contributing to the pollution of Fulton Creek. The violations from which Petitioner was ordered to cease and desist are those enumerated in the preceding sentence herein.

Petitioner further requests that the Order imposing a fine be suspended pending decision by the Illinois Supreme Court in a case now before it wherein the authority of the Board to assess a fine is to be decided and in the event the Supreme Court finds there is no power to assess a fine such as the one in question, then the fine in this cause be vacated and set aside and in the event said court decides that the Board does have power to assess a fine such as the one at bar, then the fine be paid within 35 days from the publication of the decision or the date said decision becomes final.

We are disposed to suspend until April 1, 1974, the payment of the penalty assessed in our Opinion and Order of October 18, 1973.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 10th day of January, 1974 by a vote of 5 to 0.

Christan L. Moffett