

ILLINOIS POLLUTION CONTROL BOARD  
November 26, 1975

ENVIRONMENTAL PROTECTION AGENCY	)	
and PEOPLE OF THE STATE OF	)	
ILLINOIS,	)	
	)	
Complainants,	)	
	)	
v.	)	PCB 74-226
	)	
COLLIER CARBON AND CHEMICAL	)	
CORPORATION, a California	)	
Corporation,	)	
	)	
Respondents.	)	

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

This matter comes before us on a Stipulation and Proposal for Settlement of an Enforcement case filed by the Attorney General on June 14, 1974. We find that Stipulation and Proposal for Settlement unacceptable.

The Complaint and Amended Complaint in this matter allege significant air pollution violations on the part of Respondents. In addition, citizen testimony -- more in the nature, actually, of additional complaints -- indicate that emission problems connected with Respondents' operations may result in grave damage to person and property.

The proposed settlement here makes allowance for the payment of monies (\$6,000.00) by Respondent to the State, without any admission of violation. But more importantly, the proposed settlement here does not contain any definite proposal for the abatement of any existing problems. Instead, the Proposed Settlement merely calls for extensive monitoring of emissions from the Collier plant, and allows for the possibility of future negotiations between the parties based on mutual evaluation of monitoring results. Nowhere does the Proposed Settlement set forth any definite commitment on the part of Respondents to eliminate any excessive emissions from its operations.

The purpose of enforcement proceedings before this Board is to achieve and assure compliance with the aims and goals of the Environmental Protection Act, and the Regulations which we have enacted thereunder. Indeed, as the Appellate Courts have often told us, the purpose of the penalty provision of the Act is to assure compliance with the Act's ultimate goals. Where, as here, there is provision for a "penalty" in settlement of an enforcement case, without any showing that the problems leading to that enforcement case have been or will be abated, the Settlement fails to show that the purposes of the Act will have been achieved. Where, as here, there is a requirement in the proposed Settlement that the case be dismissed with prejudice, without a showing that the goals of the Act will have been achieved, such a Proposed Settlement is unacceptable.


The matter is remanded to the Hearing Officer for further proceedings to determine:

1. whether there has in fact been a problem with emissions from Respondents' facility; and
2. whether any such problem has been or shall be abated, under any further settlement attempts.

The matter is remanded to the Hearing Officer for further proceedings consistent with this Interim Order.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 26<sup>th</sup> day of November 1975 by a vote of 4-0.

  
Christian L. Moffett, Clerk  
Illinois Pollution Control Board