

ILLINOIS POLLUTION CONTROL BOARD

August 30, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 72-185
)
 SPINNEY RUN FARMS,)
)
 Respondent.)
)
 SPINNEY RUN FARMS,)
)
 Petitioner,)
)
 vs.) PCB 72-327
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Henss)

Upon Petition for Reconsideration, the July 12, 1973 Order of the Board is modified to delay payment of monetary penalty by 4 months. The Constitutional authority of this Board to impose a monetary penalty is now being reviewed by the Illinois Supreme Court. We will continue to impose monetary penalties until we have been mandated to cease doing so. However, where an appeal of our decision is being contemplated, we will delay payment of the monetary penalty in order to avoid a multiplicity of appeals raising this same issue.

Paragraph 1 of the Order now reads as follows:

- "1. Spinney Run Farms shall pay to the State of Illinois by December 10, 1973 the sum of \$2,000 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706."

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 30th day of August, 1973 by a vote of 3 to 0.

Christan L. Moffett