

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1990

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 90-13
) (Enforcement)
)
 ABC RAIL CORPORATION,)
 a Delaware Corporation,)
)
 Respondent.)

ORDER OF THE BOARD (R. C. Flemal):

On November 19, 1990, ABC Rail Corporation (ABC Rail) filed a motion to "Amend Board Opinion". ABC Rail requests that the Board amend a sentence in its October 25, 1990 Opinion which refers to a \$1,000 agreed payment into the Illinois Environmental Protection Trust Fund as a "civil penalty". ABC Rail states in its motion that: "... the Parties agreed that ABC Rail would not pay a civil penalty, but would make a monetary payment for the purpose of avoiding further administrative and litigation costs". (p. 2).

ABC Rail did not admit to violation of the Illinois Environmental Protection Act in the Stipulation and Proposal for Settlement. The settlement states that: "for the purpose of avoiding the time and cost associated with presenting its defenses at a hearing of this matter, (ABC Rail) agrees to pay one thousand dollars (\$1,000) into the Illinois Environmental Protection Trust Fund". (Stip. p. 9). The settlement does not refer to the payment as a "civil penalty". Therefore, the Board grants the motion and will amend the last sentence in the second paragraph on the first page of the October 25, 1990 Opinion to read: "ABC agrees to pay one thousand dollars (\$1,000) into the Illinois Environmental Trust Fund".

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 29th day of November, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board