

ILLINOIS POLLUTION CONTROL BOARD
May 10, 1990

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 86-56
) (Enforcement)
TRILLA STEEL DRUM CORPORATION,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On March 13, 1989, the First District issued an Opinion and on November 14, 1989, the Board received the Mandate in this matter. That decision by the First District reversed the Board's penalty determination and, "...[r]emanded for consideration of an appropriate penalty as warranted by the circumstances of this case." The Board hereby sets this matter for hearing to determine the appropriate penalty.

At hearing, the parties are to provide information on the following issues:

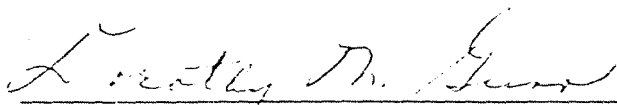
1. What is the maximum statutory civil penalty which could be assessed against Respondent for the violations found in the record?
2. To the extent that it is possible to determine, what is the range of penalties which have been assessed in this and other jurisdictions for similar violations?
3. In light of each of the factors of Section 33(c) of the Environmental Protection Act, what dollar amount do the facts of this case favor for a civil penalty?
4. In light of any other relevant factors, what dollar amount do the facts of this case favor for a civil penalty?
5. What specific penalty amount is requested by each party?

The parties may gain some guidance on these matters by the Board's decision today in Illinois Environmental Protection Agency v. Allen Barry, PCB 88-71.

IT IS SO ORDERED

Board Member Joan Anderson concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of May, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board