

ILLINOIS POLLUTION CONTROL BOARD
July 24, 1980

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-190
)
 LARRY KLAIRMONT,)
 Respondent.)

ORDER OF THE BOARD (by D. Satchell):

On June 19, 1980 the Environmental Protection Agency (Agency) and Respondent Larry Klairmont filed a joint petition for supplemental order requesting a supplement to the Opinion and Order of the Board of April 12, 1979 which was the Board's final action in this enforcement case. That Order found Respondent in violation of Section 24 of the Environmental Protection Act (Act) and Rule 102 of Chapter 8: Noise Pollution Regulations (Noise Rules) in connection with the operation of six ground-mounted air conditioner units located behind the Edens View Office Building in Chicago, Cook County. Respondent was ordered to pay a \$400 penalty, to cease and desist and to carry out certain acts required in the stipulation and agreement (33 PCB 227).

The petition alleges that Respondent has not fully complied with the Board's previous Order. The petition provides for a new compliance plan and a further penalty of \$500. The procedure contemplated by the petition amounts to a new finding in the context of a motion for reconsideration that Respondent is in violation of the Act, Rules and the previous Board Order. Sections 31 and 33 of the Act require that any finding of violation follow a public hearing. The petition for a supplemental Order is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24th day of July, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board