

ILLINOIS POLLUTION CONTROL BOARD

June 20, 1996

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 96-253
) (Enforcement - Water - Mine)
)
 MATERIAL SERVICE CORPORATION, a)
 Delaware corporation,)
)
 Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

On June 11, 1996 the Illinois Attorney General, on behalf of the People of the State of Illinois and the Illinois Environmental Protection Agency (Agency), filed a formal complaint naming as a respondent Material Service Corporation, a Delaware corporation headquartered at 222 North LaSalle, Chicago, Illinois, regarding its property located at Route 72, East of Route 25, East Dundee, Kane County, Illinois. On the same day, the parties filed a request for relief from the requirements of Section 31(a)(1) of the Environmental Protection Act (Act) that proposed stipulated settlements be presented at public hearing. (415 ILCS 5/31(a)(1) (1992).)

Section 31(a)(2) of the Act provides that whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing. The Board is required to cause notice of the stipulation, proposal, and request for relief to be published, unless the Board, in its discretion, concludes that a hearing is necessary. The notice is required to include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board will deny the request for relief from a hearing and hold a hearing.

The Board accordingly directs the Clerk of the Board to cause publication of the required newspaper notice. The Board will reserve ruling of the parties' request until after the statutory 21 days has passed.

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 _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board