

ILLINOIS POLLUTION CONTROL BOARD
April 8, 1993

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 91-53
) (Enforcement)
 ENAMELERS AND JAPANERS, INC.,)
 an Illinois Corporation,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

This complaint was filed on March 20, 1991. On March 5, 1992, the People of the State of Illinois (People) filed a first amended complaint. On December 28, 1992, the People filed a second amended complaint. On March 15, 1993, the parties filed an executed stipulation and proposal for settlement. On March 25, 1993, the parties filed a request for relief from the otherwise applicable requirement of Section 31(a)(1) of the Act that proposed stipulated settlements be presented at public hearing. Section 31(a)(2), as enacted in P.A. 87-0134, effective August 13, 1991, provides in pertinent part:

Notwithstanding the provisions of subdivision (1) of this subsection (a), 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 pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall 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 shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

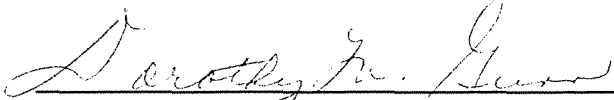
0141-0025

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

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 8th day of April, 1993, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board