

ILLINOIS POLLUTION CONTROL BOARD
May 18, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 98-144
) (Enforcement - Water)
EDWARD VAN DER MOLEN and PETER)
T. BARTON d/b/a SHADOW LAKES)
RESORT,)
)
Respondents.)

ORDER OF THE BOARD (by M. McFawn):

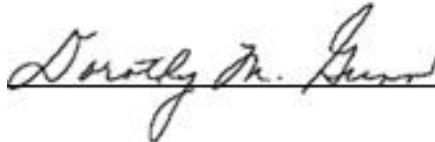
On May 5, 2000, complainant filed a stipulation and proposal for settlement, accompanied by an agreed motion requesting relief from the hearing requirement imposed by Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1998)). Section 31(c)(2) of the Act (415 ILCS 5/32(c)(2) (1998)) specifically authorizes such filings by the parties to an enforcement action.

Unless the Board determines that a hearing is necessary, the Board is required to cause notice of the stipulation and proposal for settlement and request for relief to be published in a newspaper of general circulation in the county in which the alleged violation occurred. The Board hereby directs the Clerk of the Board to cause publication of the required newspaper notice.

In accordance with Section 31(c)(2), any person may file a written demand for hearing within 21 days after publication of the notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing.

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 18th day of May 2000 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board