

ILLINOIS POLLUTION CONTROL BOARD
August 22, 1991

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 91-129
) (Enforcement)
)
 CITY OF BLOOMINGTON,)
)
 ; Respondent.)

NOTICE AND ORDER OF THE BOARD (by J. C. Marlin):

On July 26, 1991 a Stipulation and Proposal for Settlement was filed in this action.

On August 13, 1991, the Governor signed into law legislation amending Section 31 of the Environmental Protection Act. The amendment allows the parties in certain enforcement cases to request relief from the requirement of a hearing, where the parties have submitted to the Board a stipulation and proposal for settlement. The new law, Public Act 87-0134, was effective immediately.

The obvious intent of the new law is to avoid unnecessary expenses to the State and to other parties. Historically, we estimate from a review of our records that fewer than 5% of the hearings conducted for review of such proposed settlements are attended by any member of the public. The law provides that the Board may, in its discretion, deny the request and also that any person may, within 21 days of newspaper notice from the Board, demand in writing that a hearing be held. Where hearing is request, the Board will be obligated to conduct a hearing despite the parties' request.

As Section 31(a)(2) is written, the parties must file their request for relief from the hearing requirement at the same time as their stipulation and proposal for settlement is filed. However, it appears that if no hearing has yet been scheduled, the parties may amend their stipulation and proposal for settlement along with a request for relief.

Since Public Act 87-0134 may apply to the instant case, the Board orders the parties to file, within 30 days of the date of this order, a request for relief from the requirement for a hearing pursuant to subdivision (a)(1) of Section 31 of the Act, if the parties choose to avail themselves of the potential relief conferred by Public Act 87-0134. In the absence of such filing, the matter will be set for hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Notice and Order of the Board was adopted on 22nd day of August, 1991 by a vote of 7-0.

Dorothy M. Gunn, 1991.
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board