

ILLINOIS POLLUTION CONTROL BOARD
April 15, 1999

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-208
)	(Enforcement - RCRA)
FRANK MERKENDORFER and PHIL)	
PINELLO,)	
)	
Respondents.)	

ORDER OF THE BOARD (by K.M. Hennessey):

On March 29, 1996, the Illinois Attorney General filed a complaint against Frank Merkendorfer (Merkendorfer), Belden Tools, Inc. (Belden Tools), and Phil Pinello (Pinello) on behalf of the People of the State of Illinois (People) and the Illinois Environmental Protection Agency. The complaint alleges that respondents violated various laws and regulations regarding the handling and storage of hazardous waste.

On March 18, 1999, the People, Merkendorfer, and Pinello filed a stipulation and proposal for settlement accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1996)). Belden Tools is not a party to the stipulation and proposal for settlement, but the People also moved to voluntarily dismiss Belden Tools without prejudice.

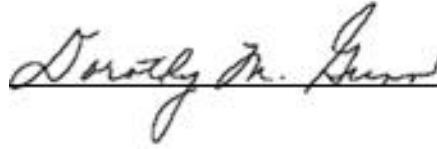
Under Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1996)), the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement. Unless the Board determines that a hearing is needed, the Board is required to cause notice of the stipulation and proposal for settlement and request for relief.

The Board directs the Clerk of the Board to cause publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from hearing concerning the complaint. Any person may file a written demand for hearing within 21 days after receiving the notice. If a hearing is requested, the Board will deny the request for relief and schedule a hearing.

No one filed a response to the People's motion to voluntarily dismiss Belden Tools without prejudice. The Board grants the motion and has amended the caption of this case accordingly.

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 15th day of April 1999 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board