

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1999

EDWARD MALINA,)	
)	
Complainant,)	
)	
v.)	PCB 98-54
)	(Enforcement - Citizens, UST)
JEAN DAY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by E.Z. Kezelis):

This matter is before the Board on a settlement and motion to dismiss filed by the parties on July 14, 1999. The parties seek Board approval of the settlement agreement purportedly entered into by the parties on May 27, 1999.

Section 103.180(b) of the Board's procedural rules provides:

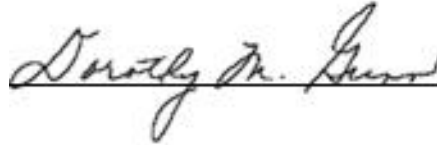
When the parties submit a proposed settlement or stipulation to the Hearing Officer, the Hearing Officer shall conduct a hearing in which all interested persons may testify with respect to the nature of the alleged violation and its impact on the environment, together with their views on the proposed stipulation and settlement. The Hearing Officer shall transmit such record of hearing to the Board, together with all exhibits. 35 Ill. Adm. Code 103.180(b).

Accordingly, the Board hereby directs the hearing officer to, after reasonable consultation with the parties, schedule a hearing as provided in 35 Ill. Adm. Code 103.180(b), to allow testimony from interested persons regarding the nature of the alleged violations and the relief proposed by the parties in the July 14, 1999 settlement and motion to dismiss.

Alternatively, should the parties wish to forego a hearing, they may withdraw their request for Board approval of the settlement and simply file a motion to dismiss.

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 22nd day of July 1999 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board