

ILLINOIS POLLUTION CONTROL BOARD

September 19, 1996

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

v.)

BELL SPORTS, INC., a California)

corporation, and WASTE HAULING)

LANDFILL, INC., an Illinois corporation,)

and WASTE HAULING INC., an Illinois)

corporation,)

Respondents.)

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WASTE HAULING LANDFILL, INC., an)

Illinois corporation, and WASTE HAULING)

INC., an Illinois corporation,)

Cross-claimants,)

v.)

BELL SPORTS, INC., a California)

corporation,)

Cross-respondent.)

PCB 95-91

(Enforcement - RCRA)

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board on a motion to strike the stipulation, a motion for the waiver of filing requirements¹ and a request for hearing filed by Waste Hauling Landfill, Inc. (WHL) and Waste Hauling Inc. (WH) on September 4, 1996. On August 26, 1996 the Illinois Attorney General, on behalf of the People of the State of Illinois and the Illinois Environmental Protection Agency (Agency), and Bell Sports, Inc. (Bell Sports) filed a stipulation and proposal for settlement as to Bell Sports only, accompanied by a request for relief from the requirements of Section 31(a)(1) of the Environmental Protection Act (Act)

¹ The Board grants WHL and WH a waiver of filing requirements and grants WHL and WH leave to utilize their remaining stores of 20% post-consumer waste recycled paper (rather than the required 30%) until such stores are depleted during the course of this proceeding.

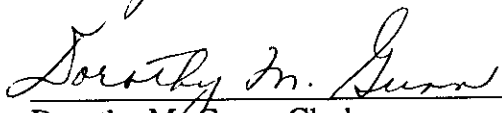
that proposed stipulated settlements be presented at public hearing. (415 ILCS 5/31(a)(1)(1994).)

Section 31(a)(2) requires that 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 requirements of the Act. (415 ILCS 5/31(a)(2).) Because WHL and WH have requested a hearing on the stipulation filed between the Agency and Bell Sports, the Board accordingly directs the hearing officer in this matter to schedule a hearing on the proposed stipulation. Section 103.180(b) allows all interested persons to 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 agreement. (35 Ill. Adm. Code 103.180(b).) The Board directs that the hearing proceed within the limitations of the aforementioned statutory requirements.

In that the proposed stipulation in this matter is between the complainant and a party respondent, the Board will not preclude any of the parties in this action from filing any stipulations or settlement agreements during the course of the proceedings. As a result, the motion to strike the stipulation is denied. Hearing shall proceed consistent with this order.

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 19th day of September, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board