

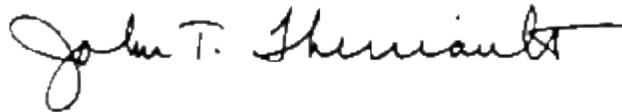
the Act (415 ILCS 5/31(c)(1) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The request for relief states that the amendment to the stipulation “seeks to reconcile the differences between the Complaint and the original Stipulation by citing the identical violations in Section I.B. of the Stipulation as alleged in Count II of the Complaint.” Request at 1. Under the amended stipulation, which includes the alleged violation of 35 Ill. Adm. Code 306.102(b) from count II, respondent does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$10,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the amended stipulation and proposed settlement and accompanying request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties’ request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Board Member C.K. Zalewski abstained.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 19, 2009, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board