

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1988

JOHN W. EILRICH,)
)
 Complainant,)
)
 v.) PCB 85-4
)
 JAMES SMITH, d/b/a)
 Maywood Shell Car Wash,)
)
 Respondent.)

ORDER OF THE BOARD (by R. C. Flemal):

In an Opinion and Order dated April 30, 1987 the Board found that the Respondent violated 35 Ill. Adm. Code 901.102 (Prohibition of Noise Pollution), 901.102(a) (Sound Emitted to Class A Land), and 901.103 (Sound Emitted to Class B Land) (par. 1 of the order); and imposed a civil penalty of \$500.00 (par. 2 of the order). The Board further ordered the Respondent to cease and desist from violations of the Board's regulations, to take immediate steps to prevent additional violations (par. 3 of the order), and that on or before May 29, 1987, to have noise abatement devices in functional operation sufficient to prevent future violations (par. 4 of the order). The Board retained jurisdiction in this matter and in paragraph five of the order directed the Respondent to notify the Board and the Complainant in writing within 60 days of the order as to whether it had complied with paragraphs two and four of the order.

To this date, the Board has not received any further information from the Respondent or the Complainant regarding this matter. On February 11, 1988 Illinois Environmental Protection Agency personnel informed the Board that the penalty had not been paid. The Board therefore relinquishes jurisdiction by closing the docket and hereby notifies the Complainant that he may pursue this matter in conjunction with the Attorney General's Office by instituting a civil action for enforcement of the Board's April 30, 1986 order pursuant to Sections 33(d) and 42(d) and (e) of the Illinois Environmental Protection Act. The Clerk is directed to notify the Attorney General's Office as well as the Complainant and Respondent of this order by mailing copies to the appropriate persons.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch. 111 1/2 par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 25th day of February, 1988, by a vote of 7-0.

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