

ILLINOIS POLLUTION CONTROL BOARD
June 5, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-147
) (Enforcement - Water)
)
ILLINOIS CEMENT COMPANY, a joint)
venture,)
)
Respondent.)

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

This matter is before the Board on a May 19, 1997 amended stipulation and proposal for settlement (stipulation) and accompanying motion for leave to file such stipulation. These were jointly filed by the Illinois Attorney General, on behalf of the complainant People of the State of Illinois and the Illinois Environmental Protection Agency (Agency) and respondent Illinois Cement Company (Illinois Cement). Additionally, the parties filed an agreed motion to request relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (Act) that proposed stipulated settlements be presented at public hearing. (415 ILCS 5/31(c)(2)(Supp. 1997).)

This action was initiated December 29, 1995, when the Illinois Attorney General filed a formal complaint accompanied by a stipulation and proposal for settlement against Illinois Cement regarding its facility located at P.O. Box Rockwell Road, LaSalle, LaSalle County, Illinois. After publication of notice of the filing of the stipulation, at the request of several members of the public, by Board order of February 2, 1996, the Board set the December 29, 1995 stipulation for hearing. A hearing was held on June 28, 1996 at the LaSalle County courthouse in Ottawa, Illinois, before Board hearing officer June Edvenson. Thirteen members of the public presented comments concerning the stipulation. On August 1, 1996 the Board granted a joint motion to stay the proceedings in this matter to allow the parties to consider the information presented by the citizens at the hearing and to resolve additional non-compliance issues. The Board entered four subsequent orders extending the stay of the proceedings through May 19, 1997 to allow the parties to further resolve the alleged permitting and discharge violations and to amend the December 29, 1995 stipulation.

Section 31(c)(2) of the Act provides that whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing. (415 ILCS 5/31(c)(2) (Supp. 1997).) The Board is required to cause notice of the stipulation, proposal, and request for relief to be published, unless the Board, in its discretion, concludes that a hearing is necessary. The notice is required to

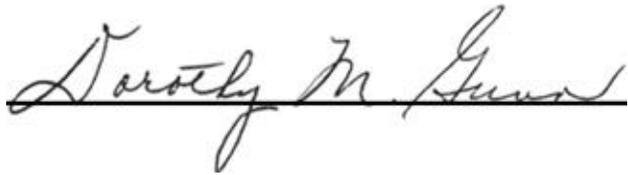
include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board will deny the request for relief from a hearing and hold a hearing.

The Board grants the parties leave to file the amended stipulation. The Board directs the Clerk of the Board to cause publication of the required newspaper notice of the amended stipulation in this matter. The Board will reserve ruling on the parties' request for relief from the hearing requirement until after the statutory 21 days has passed.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5th day of June 1997, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board