

ILLINOIS POLLUTION CONTROL BOARD  
March 14, 1972

LLOYD A FRY ROOFING CO.                    )  
  )  
                  v.                                    )                   # 71-4  
  )  
ENVIRONMENTAL PROTECTION AGENCY        )

REVEREND LOUIS HEMMERICH                )  
  )  
                  v.                                    )                   # 71-33  
  )  
LLOYD A FRY ROOFING CO.                    )

ENVIRONMENTAL PROTECTION AGENCY        )  
  )  
                  v.                                    )                   # 72-85  
  )  
LLOYD A FRY ROOFING CO.                    )

Order of the Board (by Mr. Currie):

Our earlier order in two of these cases among other things provided for an additional hearing to be held after the installation of initial control equipment in order to determine whether or not it was sufficient to eliminate the odor nuisance. Fry having reported this installation, we have scheduled that hearing. Fry wrote to the Hearing Officer, disputing our jurisdiction to hold the hearing because of a pending appeal from our original order. The filing of an appeal does not oust us of jurisdiction, and an application for stay pending appeal was denied by the Appellate Court. We construe the letter as a motion for dismissal or postponement of the hearing, and hereby deny it. The hearing will proceed.

Meanwhile the Agency has filed a new complaint against Fry with respect to alleged construction without a permit. A hearing is mandatory, and the Agency's motion to consolidate the new case with the old is hereby granted in order to economize time and effort for all concerned.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Order this 14th day of March, 1972, by a vote of 4-0.

