ILLINOIS POLLUTION CONTROL BOARD
May 21, 1998

PEOPLE OF THE STATE OF ILLINOIS,   )
)
    Complainant,   )
)
    v.   )   PCB 98-153
)   (Enforcement - Water)
CITY OF SPARTA. an Illinois corporation,)
)
    Respondent.   )

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

On May 7, 1998, the Illinois Attorney General, on behalf of the People of the State of Illinois, filed a formal complaint naming as a respondent the City of Sparta, an Illinois corporation, located in Randolph County, Illinois. On the same day, the parties filed a stipulation and proposal for settlement accompanied by a request for relief from the 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) (1996).

Section 31(c)(2) of the Act provides that whenever a complaint has been filed on behalf of 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) (1996). 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.

The Board accordingly directs the Clerk of the Board to cause publication of the required newspaper notice. The Board will reserve ruling on the parties' request for relief from the hearing requirement until after the statutory 21 days have passed.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

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I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of May 1998 by a vote of 6-0.
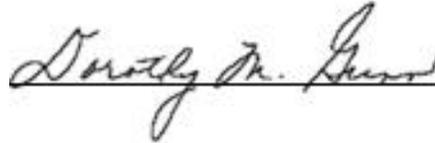
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board