

ILLINOIS POLLUTION CONTROL BOARD

August 15, 1996

THOMAS CORNING AND	)	
KIMBERLY CORNING,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 96-69
	)	(Enforcement - Noise)
THURELA'S, PAM HEGJI AND	)	
ARTHUR HEGJI AS OWNERS,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Yi):

This matter comes before the Illinois Pollution Control Board (Board) upon a complaint filed, September 20, 1995, by Thomas and Kimberly Corning (complainants), against Pam and Authur Hegji as the Owners of Thurela's (respondents). The complaint alleges that the respondents violated Sections 23 and 24 of the Environmental Protection Act (Act) and the Board's regulations at 35 Ill. Adm. Code 900.102, 900.103, and 900.104 relating to noise nuisances. (415 ILCS 5/23 and 5/24.)

The parties filed a Stipulation and Settlement Agreement on August 1, 1996 pursuant to Section 33 of the Act and 35 Ill. Adm. Code 103.180. (415 ILCS 5/33.) The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. The respondents deny any alleged violations but "desire to settle in good faith the claims set forth in the Complaint and to avoid the expense, uncertainty, and distraction created by the Litigation". (Agreed Stipulation and Proposal for Settlement at 1.)

Pursuant to Section 31(b) of the Act and 35 Ill. Adm. Code 103.180 in order for the Board to accept and enter the proposed stipulation and settlement agreement into a Board order a hearing must be held. (415 ILCS 5/31(b).) Pursuant to 35 Ill. Adm. Code 103.180(b) the parties must present the proposed stipulation and settlement at hearing and allow for interested persons to comment.

proposed settlement agreement to be entered into the record, the complainant may withdraw the complaint and the Board will close the docket in this matter without addressing the stipulation and proposed settlement agreement.

The Board will direct the hearing officer to contact the parties to determine if they wish to proceed to a hearing so that the stipulation and proposed settlement agreement may be entered into a Board order. If so the hearing officer shall set this matter for hearing. If the parties do not wish to go to hearing, the complainant must file a motion to withdraw the complaint.

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 \_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board