

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1992

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 92-95
)	(Enforcement)
)	
SIMPLEX, INC., an)	
Illinois Corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. C. Marlin):

On August 19, 1992, the hearing officer in this case issued an order which directed the parties to "file with the Clerk of the Board a stipulation and proposal for settlement accompanied by a motion seeking relief from the hearing requirement of subsection 31(a)(2) of the Act".

Pursuant to the hearing officer order, on September 21, 1992 the parties filed a stipulation and proposal for settlement. This was accompanied by a request for relief from the otherwise applicable requirement of Section 31(a)(1) of the Act that proposed stipulated settlements be presented at public hearing. Section 31(a)(2), as enacted in P.A. 87-0134, effective August 13, 1991, provides in pertinent part:

Notwithstanding the provisions of subdivision (1) of this subsection (a), 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 pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall 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 shall deny the request for

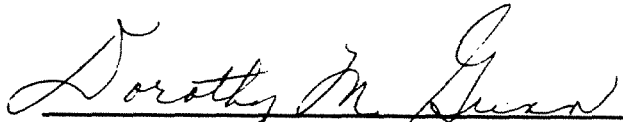
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relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

The Board accordingly directs the Clerk to cause publication of the required newspaper notice. The Board will reserve ruling on the parties' request until after the statutory 21 days has passed.

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 1st day of October, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board