

ILLINOIS POLLUTION CONTROL BOARD
December 17, 1992

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY)
)
Complainant,)
)
v.) PCB 90-89
) (Enforcement)
)
FRED JOHNSON, JOHNSON & BRIGGS)
TANK TRUCK SERVICE, a/k/a JOHNSON)
& BRIGGS TANK TRUCK & HEATER)
SERVICE,)
)
Respondents.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY)
)
Complainant,)
)
v.) PCB 91-123
) (Enforcement)
HERMAN L. LOEB,)
) (Consolidated)
Respondent.)

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

This complaint was filed on May 1, 1990. On December 7, 1992, the complainant filed a motion for voluntary dismissal of claims against respondent Mr. Herman L. Loeb. Complainant asserts that since the filing of the complaint, the parties other than Mr. Loeb have negotiated and reached a settlement that adequately addresses the concerns of the complaint. Accordingly, the complainant's motion to dismiss all claims against respondent Loeb is granted and all claims against him are hereby dismissed.

On December 7, 1992, the parties also filed a stipulation and proposal for settlement and 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


0138-0019

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 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, as well as on the acceptability of the proposed stipulation and settlement, 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 17th day of December, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0138-0020