

ILLINOIS POLLUTION CONTROL BOARD
July 21, 1994

MARK AND JEANNE DORUFF,)	
WILLIAM AND MARLA BOLEN,)	
RALPH AND KAREN NUZZO, GARY)	
AND VALERIE BRAUN, ROMAN)	
AND GERI MALUK, JAGVIR AND)	
VICKI SINGH, ARTHUR AND)	
NELLIE REYES, AND DAN RODRIGUEZ)	
)	
Complainants,)	
)	
v.)	PCB 93-204
)	(Enforcement)
BLOOMINGDALE ELEMENTARY)	
SCHOOL DISTRICT 13 AND)	
FMG, INC.,)	
)	
Respondents.)	

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

On November 1, 1993, Mark and Jeanne Doruff et al. initiated this action by the filing of a formal complaint against Bloomingdale Elementary School District 13 (School District) and FMG, Inc. On July 19, 1994, the parties filed a stipulation and proposal for settlement accompanied by a request for relief from the requirements of Section 31(a)(1) of the Environmental Protection Act (Act) that proposed stipulated settlements be presented at public hearing. (415 ILCS 5/31(a)(1) (1992).)

Section 31(a)(2) of the Act provides that certain actions concerning stipulated settlements must take place "whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois". The Board will not apply the requirements in this case, in which this action is brought by private individuals.

The settlement proposed by the parties (Motion, Ex. A) requires the School District to take specified noise abatement measures "as soon as is possible, but in no event later than December 31, 1994". The parties also presented a letter from Greg Zak, the Noise Technical Advisor from the Bureau of Land of the Illinois Environmental Protection Agency (Motion, Ex. B). In the letter, Mr. Zak opines "compliance is most likely to be achieved by implementing" the suggested "solution 3" which the School District proposes to utilize.

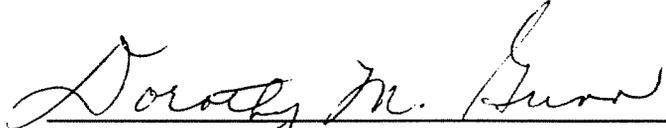
Under these circumstances, the Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's

responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This action is dismissed and the docket is closed.

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 21st day of July, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board