

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 97-63
)	(Enforcement - Air)
RUSSELL COOK, d/b/a COOK’S)	
HAULING and CONTRACTING,)	
)	
Respondent.)	

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

The Illinois Attorney General, on behalf of the People of the State of Illinois and the Illinois Environmental Protection Agency, filed a formal complaint on October 2, 1996 naming Russell Cook, d/b/a Cook’s Hauling and Contracting, located at 315 North Macon, Moweaqua, Shelby County, Illinois, as the respondent. The parties filed 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 on October 4, 1996. (415 ILCS 5/31(a)(1) (1994).)

Section 31(a)(2) of the Act provides that 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. 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 and hold a hearing.

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

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

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 _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board