

ILLINOIS POLLUTION CONTROL BOARD
December 5, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 95-163
)	(Enforcement - Air, Water
CLARK REFINING AND)	and RCRA)
MARKETING, INC.,)	
)	
Respondent.)	

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

The Illinois Attorney General (Attorney General) on behalf of the People of the State of Illinois and the Illinois Environmental Protection Agency (Agency), filed a formal complaint on June 6, 1995 naming Clark Refining and Marketing, Inc. (Clark) located in Hartford, Madison County, Illinois, as the respondent. On November 22, 1996 Clark filed a motion to file instanter its attached partial stipulation and proposal for settlement,¹ and the parties jointly 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 accompanied by a partial stipulation and proposal for settlement. (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.

¹ The Board grants Clark's motion to file instanter.

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