

ILLINOIS POLLUTION CONTROL BOARD  
 March 8, 1984

DUPAGE COUNTY HEALTH DEPARTMENT,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 83-126
	)	
MOUNT CALVARY CHURCH OF GOD	)	
IN CHRIST,	)	
	)	
Respondent.	)	


INTERIM ORDER OF THE BOARD (by J. Theodore Meyer):

On January 18, 1984 the Board received a Stipulation signed by both parties in this matter. To date, no hearing has been scheduled or held. Section 31(b) of the Environmental Protection Act [Ill. Rev. Stat. 1981, ch. 111½, par. 1031(b)] mandates that the Board schedule public hearings in enforcement cases. Based on this, Part 103 of the Board's procedural rules provides that a hearing be scheduled and held, even if the parties wish to settle. Specifically, Subpart E of that Part sets out the procedures for settling a case pending before the Board.

The parties in this case are ordered to proceed to a hearing scheduled by the Hearing Officer. At such hearing, the parties are free to present a stipulation. However, such an agreement must be in accordance with Sections 9 and 10 of the Act, and Part 237: Open Burning of the Board's rules. As the Stipulation is currently written, it appears that the Respondent would be allowed to act in contravention of Section 237.120 and Section 237.102. The Board cautions the parties that a Stipulation so framed would be unacceptable.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 8<sup>th</sup> day of March, 1984 by a vote of 6-0.

  
 \_\_\_\_\_  
 Christian L. Moffett, Clerk  
 Illinois Pollution Control Board