

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1980

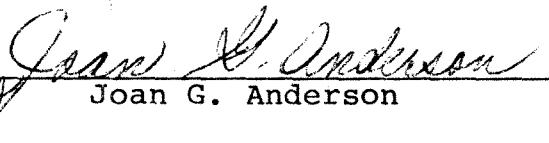
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-18
)
UNITED STATES POSTAL SERVICE,)
(Jefferson Park Post Office),)
)
Respondent.)

DISSENTING OPINION (by J. Anderson):


I dissent from the Board's dismissal of this action, for the reasons stated here and in my dissenting opinion in EPA and People of the State of Illinois v. Amoco Oil Co., PCB 78-54, August 21, 1980.

No hearing has been held in this case. However, on July 11, 1979, the EPA moved to stay the scheduled hearing indefinitely. The supporting statements to the Motion to Stay included: "...negotiations regarding solutions to the alleged violations..." were undertaken (Par. 2); "Respondent has expressed intention of complying with Illinois State noise regulations and the Illinois Environmental Protection Act" (Par. 3); "Since the negotiations between parties, Respondent has submitted status reports as to progress..." (Par. 4); "...construction has been proposed to reduce noise levels ..." (Par. 5); and "...since subsequent noise levels cannot definitely be predicted, adequate resolution of the cause cannot be had by any definite time" (Par. 6). On July 26, 1979, the Board granted a stay until July 1, 1980.

It appears that a settlement or compromise may have taken place. Therefore, I believe that prior to ruling upon the Motion for Dismissal, the Board should have directed that a public hearing be held, in conformity with the public hearing requirements of Rule 331 of the Procedural Rules, which contemplates that any settlement or compromise be presented at a public hearing.


Joan G. Anderson

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Dissenting Opinion was submitted on the 19th day of September, 1980.


Christan L. Moffett, Clerk
Illinois Pollution Control Board