

ILLINOIS POLLUTION CONTROL BOARD

May 16, 1996

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 94-275
	)	(Enforcement - Water)
BOYD BROTHERS, INC., an Illinois	)	
corporation,	)	
	)	
Respondent.	)	

---

BOYD BROTHERS, INC., an Illinois	)	
corporation,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 94-311
	)	(Enforcement - Water - Citizens)
ABANDONED MINED LANDS	)	
RECLAMATION COUNCIL, an Illinois	)	(Consolidated)
state entity,	)	
	)	
Respondent.	)	

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

On September 28, 1994 the Illinois Attorney General, on behalf of the People of the State of Illinois and the Illinois Environmental Protection Agency (Agency), filed a formal complaint naming as respondent, Boyd Brothers, Inc. (Boyd Brothers) located in Sesser, Franklin County, Illinois. The Board accepted this complaint for hearing on October 7, 1994 as PCB 94-275. On October 31, 1994, Boyd Brothers, Inc. filed a complaint naming as respondent, Abandoned Mined Lands Reclamation Council, an Illinois state entity located at 928 South Spring, Springfield, Sangamon County, Illinois. The Board accepted this complaint for hearing on December 1, 1994 as PCB 94-311 and consolidated it with PCB 94-275.

On May 13, 1996 the parties filed a stipulation and proposal for settlement in PCB 94-275, as to Boyd Brothers only, 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) (1994).) At this time, no stipulation and proposal for settlement or motion to dismiss has been filed in PCB 94-311.

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 shall 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 on the parties' request until after the statutory 21 days has passed.

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 \_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

---

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board