

ILLINOIS POLLUTION CONTROL BOARD  
April 24, 1975

ENVIRONMENTAL PROTECTION AGENCY	)	
AND	)	
REVEREND LOUIS HEMMERICH, ET AL,	)	
	)	
Complainant,	)	
	)	
	)	
v.	)	PCB 71-4
	)	71-33
	)	72-85
LLOYD A. FRY ROOFING COMPANY,	)	
	)	
Respondent.	)	
	)	

ORDER OF THE BOARD (by Mr. Dumelle):

Respondent Lloyd A. Fry Roofing Company's motion for a hearing with respect to the Board's redetermination of penalty is denied. The Illinois Appellate Court's decision to remand this cause for redetermination of an appropriate penalty did not indicate that an additional hearing was necessary. The Court did not, as did the Illinois Supreme Court in Mystic Tape v. Pollution Control Board, order such redetermination after additional hearings at the option of the parties. The apportionment of the penalty ordered by the Court does not require additional evidence and a new hearing would only serve to relitigate the original cause of action.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 24<sup>th</sup> day of April, 1975 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board