

ILLINOIS POLLUTION CONTROL BOARD
May 1, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-136
) (Enforcement - Air)
STEVE KULOVSEK d/b/a WSH)
MANAGEMENT GROUP and d/b/a)
KULOVSEL EXCAVATING,)
)
Respondent.)

ORDER OF THE BOARD (by J. Yi):

On December 22, 1995, 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 a respondent Steve Kulovsek, d/b/a WSH Management Group, and d/b/a Kulovsek Excavating, located at 95 Grant Street, Crystal Lake, McHenry County, Illinois. On April 22, 1997, the parties filed a stipulation and proposal for settlement accompanied by a request for relief from the requirement 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).)

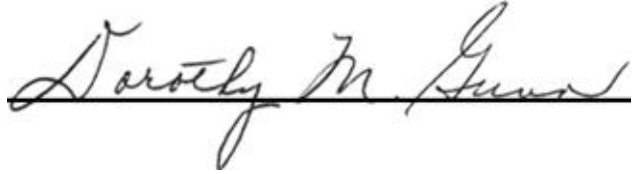
Section 31(a)(2) of the Act provides that whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing. (415 ILCS 5/31(a)(2) (1994).) 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 on the parties' request until after the statutory 21 days has passed.

IT IS SO ORDERED.

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 1st day of May, 1997, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board