

ILLINOIS POLLUTION CONTROL BOARD  
March 14, 1972

LLOYD A. FRY ROOFING COMPANY	)	
	)	
v.	)	#71-4
	)	
ENVIRONMENTAL PROTECTION AGENCY	)	
	)	
REV. LOUIS HEMMERICH, ET AL	)	
	)	#71-33
v.	)	
	)	
LLOYD A. FRY ROOFING COMPANY	)	

SUPPLEMENTAL ORDER OF THE BOARD (BY MR. LAWTON):

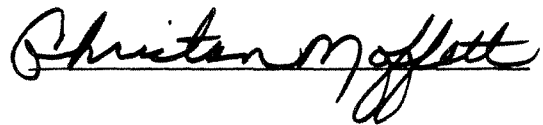
Order entered in the above proceeding on October 14, 1971 provided inter alia as follows:

- "2. Fry shall advise this Board when such installation has been completed. This proceeding shall remain open and the Board shall conduct a further hearing not less than 30 nor more than 60 days after notice of the installation of said air pollution abatement equipment in order to ascertain whether odors being emitted by Fry's operation have been abated as a consequence of the air pollution control equipment installed. Such further orders shall be issued by this Board as are appropriate in consideration of the hearings."

On November 12, 1971, Respondent filed an appeal from our October 14, 1971 Order in the First District, Illinois Appellate Court. On February 1, 1972, Respondent, by its attorney, advised the Board that control equipment had been installed pursuant to an agreed order entered in the Circuit Court of Cook County. Pursuant to paragraph 2 of our October 14, 1971 Order, the Hearing Officer advised all parties that hearing would be held to ascertain whether odors being emanated by Fry's operation had been abated as a consequence of the control equipment installed. On March 4, 1972, counsel for Respondent wrote to the Hearing Officer asserting that because of the pending appeal, the Board no longer retained jurisdiction of the cause and that the hearing should be cancelled.

Respondent's March 4, 1972 letter to the Hearing Officer is construed as a motion to cancel the hearing, which motion is denied. No order of stay has been entered by the Appellate Court and until this is done, we shall pursue the implementation of our October 14, 1971 Order.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Supplemental Order was adopted on the 14<sup>th</sup> day of March, 1972 by a vote of 4-0.

A handwritten signature in cursive script that reads "Christan Moffett". The signature is written in black ink and is positioned to the right of the certification text.