

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 ex rel. LISA MADIGAN, Attorney)
 General of the State of Illinois,)
)
 Complainant,)
)
 vs.)
)
 ENVIRONMENTAL MANAGEMENT AND)
 ABATEMENT, INC., a California)
 corporation, and DANNY G. KOHRDT,)
 individually and as president of)
 Environmental Management and)
 Abatement, Inc.,)
)
 Respondent.)

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 OCT 15 2003
 STATE OF ILLINOIS
 Pollution Control Board

PCB No. 02-5
 (Enforcement - Land)

NOTICE OF FILING

TO: Bradley P. Halloran
 Hearing Officer
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph, Suite 11-500
 Chicago, Illinois 60601

Michael J. Maher
 Elizabeth S. Harvey
 Swanson, Martin & Bell
 One IBM Plaza
 330 N. Wabash Avenue
 Chicago, Illinois 60611

PLEASE TAKE NOTICE that I have today filed a Motion for Relief from the Hearing Requirement, a copy of which is attached and herewith served upon you.

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
 Attorney General
 State of Illinois

By: *Mitchell L. Cohen*
 Mitchell L. Cohen
 Assistant Attorney General
 Environmental Bureau
 188 West Randolph, Suite 2001
 Chicago, IL 60601
 312-814-5282

Dated: October 15, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
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MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2002), moves that the Illinois Pollution Control Board ("Board") grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2002). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of the Board's waste disposal regulations in addition to Sections 21(a) and 21(d) of the Act, 415 ILCS 5/21(a) and (d) (2002).

2. Complainant is filing this Motion and a Stipulation and Proposal for Settlement with the Board.

3. The parties have reached agreement on all outstanding

issues in this matter.

4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement which was filed October 8, 2003, several days before this motion.

5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2002).


WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2002).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

BY:


MITCHELL L. COHEN
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-5282

DATE: October 15, 2003

CERTIFICATE OF SERVICE

I, MITCHELL L. COHEN, an Assistant Attorney General, do certify that I caused to be mailed this 15th day of October, 2003, a copy of the **Motion for Relief from Hearing Requirement, Notice of Filing, and Certificate of Service** upon the persons listed below:

Mike Maher
Elizabeth Harvey
Swanson, Martin & Bell
One IBM Plaza, Suite 2900
330 North Wabash
Chicago, Illinois 60611

Bradley P. Halloran
Hearing Officer
Pollution Control Board
JRTC, Suite 11-500
Chicago, IL 60601



MITCHELL L. COHEN