

ILLINOIS POLLUTION CONTROL BOARD
May 21, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-223
) (Enforcement - Air)
ALLEN ROSE CEMENT AND)
CONSTRUCTION COMPANY, an Illinois)
corporation, and LINDAHL BROTHERS,)
INC., an Illinois corporation,)
)
Respondents.)

ORDER OF THE BOARD (by M. McFawn):

On June 6, 1997, the Illinois Attorney General, on behalf of the People of the State of Illinois, filed a formal complaint naming as respondents "Rose Construction Company," a Delaware corporation, and Lindahl Brothers, Inc., an Illinois corporation located at 622 East Green Street, Bensenville, DuPage County, Illinois concerning asbestos demolition and renovation activity performed at various sites in Cook County.

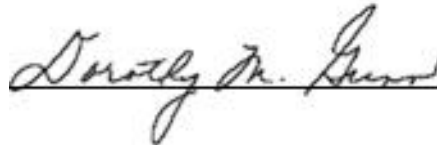
On May 12, 1998, the parties filed an amended complaint, motion for leave to file an amended complaint, stipulation, and proposal for settlement accompanied by a request for relief from the requirement of Section 31(c)(2) of the Environmental Protection Act (Act) that proposed stipulated settlements be presented at public hearing. 415 ILCS 5/31(c)(2) (1996). In support of the motion for leave to file an amended complaint, complainant states that it "had incorrectly named Rose Construction Company, a Delaware corporation as a respondent." The correct name is Allen Rose Cement and Construction Company, an Illinois corporation, located at 533 Ashland Avenue, Chicago Heights, Cook County. Complainant further stated that respondent was aware that this revised complaint would be filed. The Board grants complainant's motion and accepts the amended complaint; the caption above reflects this amendment.

Section 31(c)(2) of the Act provides that whenever a complaint has been filed on behalf of 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(c)(2) (1996). 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.

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 for relief from the hearing requirement until after the statutory 21 days have 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 21st day of May 1998 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board