

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1989

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Petitioner,)	PCB 88-36
)	(Enforcement)
v.)	
MERVIS INDUSTRIES, INC.,)	
)	
Respondent.)	
)	

JAMES MORGAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF PETITIONER.

JOHNINE BROWN, RUDNICK & WOLFE, APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a complaint filed on behalf of the Illinois Environmental Protection Agency (Agency), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against Mervis Industries, Inc. (Mervis). The complaint alleges that Mervis has violated Sections 9(a), 21(d) and 24 of the Environmental Protection Act (Act), Ill. Rev. State 1987, ch. 111-1/2, par 1001 et seq.

Hearing on this matter was held on June 26, 1989 in Danville, Illinois. At the hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation addresses the facts and proposed terms of settlement in this matter. Also at hearing, many member of the public were present. Several members of the public testified.

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. The Board notes that there was public opposition to this Agreement and that if any member of the public believes that there is a violation of the Act or Board rule after the Board's decision in this matter, he or she is free to file a citizen's enforcement action. Further, the Board notes that it takes no position on the issue of whether Mervis' Lyons Yard facility is or is not a regional pollution control facility within the meaning of the Act.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

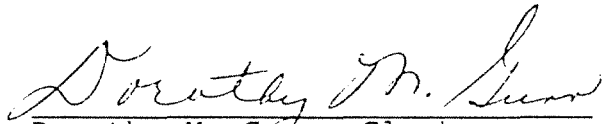
ORDER

The Board hereby accepts the Stipulation and Settlement Agreement executed by the Illinois Environmental Protection Agency (Agency) and Mervis Industries Inc. (Mervis) concerning Mervis' Lyon Yard facility in unincorporated Danville Township, Vermillion County, Illinois and filed on September 13, 1989. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 ch. 111-1/2 par 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 15th day of November, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board