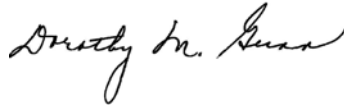


Unlike counts I and III, count II does not allege a violation of the Act. Count II states that it is brought not only on the Attorney General's own motion, but also at the request of the Illinois Emergency Management Agency under Section 16(a) of the Illinois Emergency Planning and Community Right to Know Act (430 ILCS 100/16(a) (2004)). In count II, the People allege that Webb violated the Illinois Hazardous Materials Emergency Act (430 ILCS 50/7.01 (2004)) and 29 Ill. Adm. Code 430.30 by not reporting the release at the spill site as required. As relief for count II, the People ask the Board to order Webb to cease and desist from further violations and to pay civil penalties.

Before the Board will direct the hearing officer to proceed to hearing, the Board directs the People to address the Board's jurisdiction to hear count II of the complaint. The People must file this pleading by December 19, 2005. Webb may file a response within 14 days after being served with the People's pleading. The time period for Webb to file an answer or motion (35 Ill. Adm. Code 101.506, 103.204(d)) in response to the People's complaint is stayed until the Board orders otherwise.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 17, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board