

ILLINOIS POLLUTION CONTROL BOARD  
December 18, 1986

VILLAGE OF ADDISON, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 84-161  
 )  
 L & S INDUSTRIES, INC., )  
 )  
 Respondent. )

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

On September 5, 1985, the Board entered an Interim Opinion and Order, finding that L & S Industries, Inc. (LSI) had violated Sections 9 and 24 of the Environmental Protection Act. That Interim Order required LSI to prepare and submit a report on methods of reducing or eliminating noise and odor pollution, which was due no later than December 1, 1985. However, no such report was filed and by order of March 14, 1986, the Board provided LSI an opportunity to cure that defect. LSI was required to file with the Board and the Village of Addison by May 1, 1986, a schedule for completion of the report on reducing odor and noise pollution at its facility which was to call for a complete and final report to be filed with the Board no later than July 1, 1986, detailing all reasonable methods of reducing odor and noise pollution, the type and degree of reductions possible with each method, its cost and the time required to implement each method. Neither the schedule nor the final report was filed.

Therefore, on August 14, 1986, the Board ordered LSI to cease and desist all operations at its facility located at 920 National Avenue in Addison, Illinois, on or before October 13, 1986, unless it filed a report with the Board and the Village by that date which evaluated, to the maximum extent possible, the type and degree of noise and odor reductions possible by changes in operation or construction of noise and odor reduction devices. This report was to be prepared by a competent individual or firm and was to consider all reasonable methods of control.

A copy of that order was sent by certified mail to LSI on August 20, 1986, at the only know address of LSI which is on file at the Board and which is the address at which LSI was served by the Board, and signed for service received, in the past. That letter was returned to the Board since no one signed for delivery, and the forwarding time had expired. LSI has never

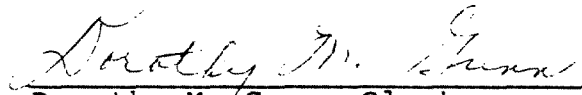
filed anything with the Board in this case although Larry Stefan, the President of LSI, did appear at hearing on April 22, 1986. The present whereabouts of Mr. Stefan and LSI is unknown. The Board does, however, have proof of service upon LSI of the March 14, 1986, order.

Not surprisingly, LSI has failed to respond to the August 14 order, and the cease and desist order is in effect. Further, the Board has no reason to believe that there will be any future response to that order since LSI, if it still exists at all, does not appear to exist at its last known address. Since the cease and desist order was to remain in effect until an appropriate report was filed, the Board hereby makes that cease and desist order permanent and will close this docket.

IT IS SO ORDERED.

Board J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Supplemental Order was adopted on the 18<sup>th</sup> day of December, 1986 by a vote of 5-1.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board