

ILLINOIS POLLUTION CONTROL BOARD
February 4, 2021

PEOPLE OF THE STATE OF ILLINOIS)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 20-66
)	(Enforcement - Water)
J & M VEHICLE MANAGEMENT)	
ENTERPRISES, LLC an Illinois limited)	
liability company, d/b/a B & O USED)	
AUTO PARTS)	
Respondents.)	

ORDER OF THE BOARD (by J. Van Wie):

On March 19, 2019, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against J & M Vehicle Management Enterprises, LLC. (J & M). The complaint concerns an automobile and metals recycling operation owned and operated by J & M at property J & M leased at 800 Brickville Road, Sycamore, DeKalb County, Illinois (“Facility”). For the reasons below, the Board accepts the parties’ stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2018); 35 Ill. Adm. Code 103. In this matter, the People allege that J & M violated:

1. Section 12(f) of the Illinois Environmental Protection Act, 415 ILCS 5/12(f) (2018), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), by operating an industrial facility without a NPDES permit.
2. Section 12(a) of the Illinois Environmental Protection Act, 415 ILCS 5/12(a) (2018), by causing or threatening or allowing the discharge of any contaminants so as to cause or tend to cause water pollution in Illinois creating a threat of water pollution.

On December 10, 2020, the People and J & M filed a stipulation and proposal for settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Daily*

Chronical on December 22, 2020. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2018); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of J & M's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2018)), which bears on the reasonableness of the circumstances surrounding the alleged violations. J & M affirmatively admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2018)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, J & M agrees to pay a civil penalty of \$3,500.00 within 30 days after the date of this order. The People and J & M have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. J & M must pay a civil penalty of \$3,500.00 no later than March 8, 2021, which is the first business day following the 30th day after the date of this order. J & M must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund ("EPTF"). The case name and case number must appear on the face of the certified check or money order.
3. J & M must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

J & M must send a copy of the certified check, or money order and any transmittal letter to:

Arlene R. Haas
Assistant Attorney General
Environmental Bureau
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2018)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).
5. J & M must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2018); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Illinois Attorney General's Office Environmental Bureau Attn: Arlene R. Haas 69 W. Washington Street, Suite 1800 Chicago, Illinois 60602 Primary: ahaas@atg.state.il.us	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Ruddy and Petersen Law Group LLC Attn: Stuart A. Petersen 2631 Ginger Woods Parkway, Ste. 101 Aurora, IL 60502 stuart@ruddyking.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 4, 2021, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board