

ILLINOIS POLLUTION CONTROL BOARD
February 16, 2012

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 11-58
) (Enforcement - Water)
ZACHARY ISAAC d/b/a NU SHINE CAR)
WASH, and SAMUEL JOHNSON,)
)
Respondents.)

ORDER OF THE BOARD (by D. Glosser):

On March 4, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Zachary Isaac doing business as (d/b/a) Nu Shine Car Wash, and Samuel Johnson (collectively, respondents). The complaint concerns respondents' car wash located at 1065 West Algonquin Road, Algonquin, McHenry County. In a separate stipulation, the People and respondent Samuel Johnson now seek to settle without a hearing. Zachary Isaac d/b/a Nu Shine Car Wash is not a party to this stipulation. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People alleged that respondents violated provisions of the Act and Board's regulations by acting in the following manner:

- Count I: Causing or tending to cause water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010);
- Count II: Constructing a sewer line capable of causing or contributing to water pollution without a permit in violation of Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and Section 309.202(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a) (2010);
- Count III: Introducing non-domestic contaminants in Algonquin sewer system in violation of Section 12(h) of the Act, 415 ILCS 5/12(h) (2010).

On February 10, 2012, the People and respondent Samuel Johnson filed a stipulation and proposed 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) (2010)). This filing is authorized by Section 31(c)(2)

of the Act (415 ILCS 5/31(c)(2) (2010)), 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). Under the proposed stipulation, Samuel Johnson neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$4,000.00.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 16, 2012, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board