

ILLINOIS POLLUTION CONTROL BOARD

June 6, 1996

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 96-128  
) (Enforcement - Land)  
)  
RONALD WORKMAN, d/b/a Ron's Service )  
Center, )  
)  
Respondent. )

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

This matter comes before the Board upon a three count complaint filed December 28, 1995, by James Ryan, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Ronald Workman d/b/a Ron's Service Station, doing business at 3801 South Sixth Street, Frontage Road West, Springfield, Sangamon County, Illinois. The complaint alleges that Ronald Workman has violated Section 12(a) of the Environmental Protection Act (Act), 415 ILCS 5/12(a) and 35 Ill. Adm. Code 620.115, 620.405, 620.410, and 620.420 by causing or threatening to cause water pollution, 35 Ill. Adm. Code .731.162 for failing to submit 20 day report and 35 Ill. Adm. Code 731.165 and 731.166 for failing to submit investigation and corrective action plans.

Pursuant to 415 ILCS 5/31(a)(1), the parties filed a joint Motion requesting relief from the Act's hearing requirements on April 29, 1996. The Board published a Notice of the waiver on May 1, 1996; no objection to granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on April 29, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Ronald Workman admits the alleged violations and agrees to pay a civil penalty of five thousand dollars (\$5,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

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

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Ronald Workman d/b/a Ron's Service Station, concerning its facility located in Sangamon County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Ronald Workman shall pay the sum of five thousand dollars (\$5,000.00) in two installments of twenty-five hundred dollars (\$2,500.00) within 60 and 90 days, respectively, of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, Ronald Workman d/b/a Ron's Service Station's Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 4) A copy of the check and payment transmittal shall be simultaneously submitted to:

Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

- 5) Ronald Workman d/b/a Ron's Service Station shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board