

ILLINOIS POLLUTION CONTROL BOARD
July 26, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 98-166
) (Enforcement – Land)
BRZUSZKEIWICZ AUTO REBUILDERS,)
INC.,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On June 19, 2001, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement pursuant to Section 31(c)(2) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(2) (2000)). The Board accepts the stipulation and proposal for settlement filed in this matter. The two-count complaint alleged that the respondent violated Sections 21(a) and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(p)(1) (2000) by causing or allowing open dumping and littering.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Chicago Sun Times* on June 22, 2001. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent does not admit to the violations alleged by the People, but agrees to pay a civil penalty of \$20,000. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's 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 Brzuszekiewicz Auto Rebuilders, Inc., an automobile body repair service located at 10933 South Central Avenue, Oak Lawn, Cook County, Illinois. The stipulation and settlement agreement is incorporated by reference as though

fully set forth herein.

2. Respondent shall pay the sum of \$20,000 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Illinois Environmental Protection Agency, for deposit in the Environmental Protection Trust Fund. The case number, case name, and the respondent's Federal Employer Identification Number 36-3742635 must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The check or money order must be sent by first class mail to:

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

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

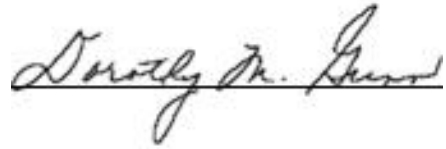
Office of the Attorney General
Donna Lutes, Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

4. Any such penalty not paid within the time prescribed incurs interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (2000)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Respondent shall cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (2000)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 26th day of July 2001 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board