

ILLINOIS POLLUTION CONTROL BOARD

August 9, 2001

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 01-174
	)	(Enforcement – Water)
LAKEWOOD HOMES, INC.,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On June 29, 2001, the People of the State of Illinois (People) filed a four-count complaint against respondent Lakewood Homes, Inc. (Lakewood). The complaint alleges that Lakewood caused or allowed water quality violations, created a water pollution hazard, discharged without a permit, and discharged in violation of a permit in Round Lake Beach, Lake County. These activities were in alleged violation of Section 12(a), 12(d), and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), 12 (f) (2000)), the Board's regulations at 35 Ill. Adm. Code 302.203, 309.102(a), and 309.146(a), and National Pollutant Discharge Elimination System Permit ILR103814.

On June 29, 2001, the parties also filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). 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 *News Sun* on July 5, 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 denies the violations alleged by the People, but agrees to pay a civil penalty of \$25,000 to the Environmental Protection Trust Fund. Respondent must also make a payment of \$35,000 to the Lake County Forest Preserve District.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. 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 respondent. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondent must pay a civil penalty of \$25,000 within 30 days of the date of this order, that is, on or before September 8, 2001. Such payment must 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 respondent's federal employer identification number 36-3710191, 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 certified 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 62702-9276

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

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

4. In order to promote the goals of the Act to restore, protect, and enhance the quality of the environment, respondent must make a payment of \$35,000 to the Lake County Forest Preserve District (District) within 30 days of the date of this order, that is, on or before September 8, 2001. Such payment must be made by certified check or money order payable to the District for the preservation of the ecological habitat of Fourth Lake, including the Fourth Lake Fen and Rollins Savanna. This payment must be used, as a first priority, to assist in the acquisition of purple loosestrife beetles for the above-noted ecological habitat. In the event this first priority is sufficiently met, as determined by the District, then any surplus from this payment may be transferred to the District's Land Acquisition Fund. The case number, case name, and respondent's federal employer identification number 36-3710191, must also be included on the certified check or money order.
5. The check must be delivered to:

Steven K. Messerly, Executive Director  
Lake County Forest Preserve District  
2000 N. Milwaukee Avenue  
Libertyville, Illinois 60048

Written notice of payment must be submitted to:

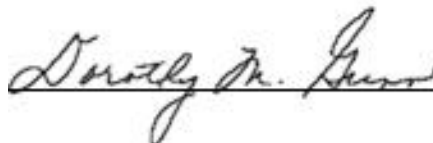
Charles Gunnarson, Assistant Counsel, DLC  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, Illinois 62702-9276

6. 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.
7. Respondent must 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 opinion and order was adopted on the 9th day of August 2001 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board