ILLINOIS POLLUTION CONTROL BOARD October 4, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
v.) PCB 02-26) (Enforcement - Water)
PRITZKER REALTY GROUP, L.P., and PDA	,
Respondents.))

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

On August 28, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Pritzker Realty Group and PDA Corp. *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that respondents violated Sections 12(a), (d), and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d), (f) (2000)) and 35 Ill. Adm. Code 302.203, 304.105, 304.106, 304.141(b). The People further allege that respondents violated these provisions by pumping accumulated groundwater containing large amounts of sediment and other solid material offsite, which then covered wetlands. The complaint concerns respondents' construction site in Round Lake, Lake County.

On August 28, 2001, the People and respondents 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 III. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in *The News-Sun* on August 30, 2001. 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) (2000); 35 III. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 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 respondents' 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) (2000)). The People and respondents have satisfied Section 103.302. Respondents neither admit nor deny the alleged violations and agree to pay a civil penalty of \$7,500. 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. Pritzker Realty Group, L.P. and PDA Corp. must pay a civil penalty of \$7,500 no later than November 4, 2001, which is the 30th day after the date of this order. Respondents must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and respondents' social security number or federal employer identification number must be included on the certified check or money order.
- 3. Respondents must send the certified check or money order to:

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

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
- 5. Respondents must cease and desist from the alleged violations.
- 6. A copy of the certified check or money order, and all related correspondence must be mailed to:

Christopher Grant Assistant Attorney General Environmental Bureau 188 West Randolph, 20th Floor Chicago, Illinois 60601

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) (2000); *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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 4, 2001, by a vote of 7-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board