

ILLINOIS POLLUTION CONTROL BOARD

August 24, 2000

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 99-95  
) (Enforcement - Air)  
GRAHAM ENTERPRISE, INC., an Illinois corporation, )  
)  
Respondent. )  
)

OPINION AND ORDER OF THE BOARD (by R.C. Flegal):

On July 14, 2000, the parties filed a stipulation and proposal for settlement of the complaint filed on December 30, 1998, by the People of the State of Illinois against Graham Enterprise, Inc. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Sections 9(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), (b) (1998)), and the Board's regulations found at 35 Ill. Adm. Code 201.141, 201.142, 201.143, 218.586(c), and (d)(2), by dispensing motor fuel without a properly certified vapor collection and control system, and failing to obtain necessary permits.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), 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*, *The News-Sun*, and the *Northwest Herald* on July 19, 2000. 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 neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$10,097. 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 Graham Enterprise, Inc., an Illinois corporation regarding its gasoline service stations located at 109 South Milwaukee Avenue, Libertyville, Illinois; 2400 Grand Avenue, Waukegan, Illinois; 5343 Touhy Avenue, Skokie, Illinois; 750 Waukegan Road, Glenview, Illinois; 606 West Northwest Highway, Mount Prospect, Illinois; 209 North Lake Street, Mundelein, Illinois; 628 North Lake Street, Mundelein Illinois; 830 North Main Street, Antioch, Illinois; 3615 Chapel Hill Road, McHenry, Illinois; and 400 East Grand Avenue, Lake Villa, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of \$10,097 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, designated to the Environmental Protection Trust Fund. The case number, case name, and the respondent's federal employer identification number 363728266 shall also be included on the certified check or money order and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The certified check or money order shall 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:

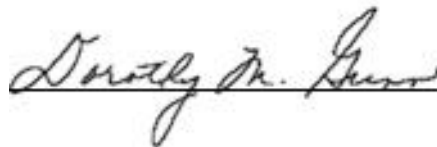
Zemeheret Bereket-Ab  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
188 W. Randolph St., 20th Floor  
Chicago, Illinois 60601

4. 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 (1998)), 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.
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 (1998)) 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 101.246, 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 24th day of August 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board