

ILLINOIS POLLUTION CONTROL BOARD
August 19, 1999

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 98-122
) (Enforcement - Water)
STANLEY LATEK,)
)
Respondent.)

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

On July 2, 1999, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that the respondent violated Section 12(b) of the Environmental Protection Act (Act) (415 ILCS 5/12(b) (1998)) and 35 Ill. Adm. Code 309.202(a) by failing to have a permit to construct a sanitary sewer system.

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 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. The respondent does not admit to the alleged violations, but agrees to pay a civil penalty of \$4,000. 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 Stanley Latek regarding a site located at 131st Street and 85th Avenue, Palos Park, Cook County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. The respondent shall pay the total sum of \$4,000 pursuant to the following schedule:
 - a. \$1,000 shall be due within 30 days of the date of this order; and
 - b. The remaining \$3,000 shall be paid pursuant to the following schedule; payment shall be made in quarterly installments of \$1,000, being due on or before December 31, 1999, April 30, 2000, and August 31, 2000.

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. The case number, case name, and the respondent's social security or federal employer identification number shall also be included on the check (or money order) and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The checks (or money orders) 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:

Maria M. Menotti
Assistant Attorney General
Environmental Bureau
Attorney General's Office
100 West Randolph Street, 11th 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), 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.

For the purpose of collection, respondent may be reached at the following address:

Stanley Latek
10400 South Mansfield
Oak Lawn, Illinois 60453

5. Respondent shall cease and desist from the alleged violations.

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 establish such filing requirements. See 172 Ill. 2d R. 335; see also 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 _____ 1999 by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board