

ILLINOIS POLLUTION CONTROL BOARD  
March 20, 2003

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 00-165
	)	(Enforcement - UST)
DAVID COHEN d/b/a DAVE'S AUTO	)	
REPAIR AND SERVICE,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by W.A. Marovitz):

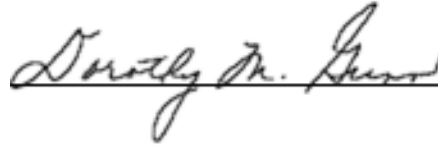
On March 27, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against David Cohen d/b/a Dave's Auto Repair and Service (Cohen). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Cohen violated Section 57.6(a) of the Environmental Protection Act (Act) (415 ILCS 5/57.6(a) (2002)), and 35 Ill. Adm. Code 732.100(c), 732.200, 732.202(c), and 732.202(e) of the Board's regulations. The People further allege that Cohen failed to submit the proper reports following a release of petroleum from an underground storage tank. The complaint concerns Cohen's auto repair facility at 7 East Main Street, Lake Zurich, Lake County.

On March 10, 2003, the People and Cohen 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Cohen neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 20, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board