

ILLINOIS POLLUTION CONTROL BOARD

September 4, 2003

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 03-128  
) (Enforcement - Land)  
ROBERT HAMM d/b/a THREE R'S PIER )  
BUILDERS, )  
)  
Respondent. )

ORDER OF THE BOARD (by T.E. Johnson):

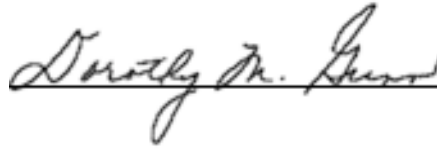
On February 26, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Robert Hamm, an individual doing business as Three R's Pier Builders (Hamm). The People alleged that Hamm violated Sections 12(a), (c), and (d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (c), (d) (2002)) and Sections 302.203 and 306.304 of the Board's regulations (35 Ill. Adm. Code 302.203, 306.304) because Hamm severed and blocked a sanitary sewer line, discharging 10,000 gallons of sewage into Fox Lake. The complaint concerns Hamm's boat dock and pier construction business at 34678 N. Michael Road in Ingleside, Lake County.

On September 2, 2003, the People filed a stipulation and proposed settlement with Hamm, 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), *amended by* P.A. 93-152, eff. July 10, 2003). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002), *amended by* P.A. 93-152, eff. July 10, 2003), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed settlement, Hamm neither admits nor denies the alleged violations, but agrees to pay a civil penalty of \$2,500.

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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2002), *amended by* P.A. 93-152, eff. July 10, 2003; 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 September 4, 2003, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board