

ILLINOIS POLLUTION CONTROL BOARD
June 2, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-13
)	(Enforcement - Air)
PAUL DIFRANCO, SR. and MARK'S)	
CONSTRUCTION, INC.,)	
)	
Respondents.)	

ORDER OF THE BOARD (by G.T. Girard):

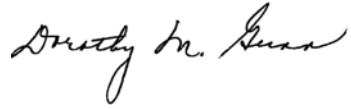
On July 29, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Paul DiFranco and Mark's Construction, Inc. (respondents) *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that respondents violated Section 9(a) and 9.1(d)(1), of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and 9.1(d)(1) (2002)), 35 Ill. Adm. Code 201.141, and 40 C.F.R. §61.145(b)(1), §61.145(c)(1), §61.145(c)(6), §61.150(b). The People allege that respondents violated these provisions when renovating a facility at 911 West Busse Avenue, Park Ridge, Cook County.

On May 27, 2005, 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondents neither admit nor deny the alleged violations and agree to pay a civil penalty of \$22,000.

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 June 2, 2005, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board