

ILLINOIS POLLUTION CONTROL BOARD
August 17, 2006

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 06-183
) (Enforcement - Water)
LAZAR BROTHERS TRUCKING, INC., an)
Illinois corporation,)
)
Respondent.)

ORDER OF THE BOARD (by A.S. Moore):

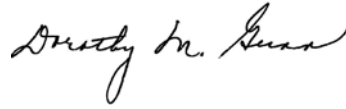
On June 6, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Lazar Brothers Trucking, Inc. (Lazar). See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Lazar violated sections 12(b) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(b), 12(f) (2004)) and section 309.202(a) of the Board's regulations (35 Ill. Adm. Code 309.202(a)). The People further allege that Lazar violated these provisions by performing small construction activities without applying for a National Pollutant Discharge Elimination System (NPDES) storm water permit and by failing to obtain a permit from the Illinois Environmental Protection Agency before constructing a sewer. The complaint concerns Lazar's trucking facility located at 91 Sola Drive, Gilberts, Kane County.

On August 2, 2006, the People and Lazar 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Lazar admits the alleged violations and agrees to pay a civil penalty of \$5,500.

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 files a timely written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2004); 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 August 17, 2006, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board