

ILLINOIS POLLUTION CONTROL BOARD  
September 21, 2006

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

OPINION AND 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Gilberts Journal* on August 10, 2006. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Lazar's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and Lazar have satisfied Section 103.302. Lazar admits the alleged violations and agrees to pay a civil penalty of \$5,500. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

**ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Lazar] must pay a civil penalty of \$5,500 no later than Monday, October 23, 2006, which is the first business day after the 30th day after the date of this order. Lazar must pay the civil penalty by certified check, money order, or electronic funds transfer payable to the Illinois Environmental Protection Agency and designated to the Illinois Environmental Protection Trust Fund. The case number, case name, and Lazar's federal employer identification number must be included on the certified check or money order.
3. Lazar must send the certified check, money order, or record of electronic funds transfer to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276.
4. Lazar must send a copy of the certified check, money order, or record of electronic funds transfer to:

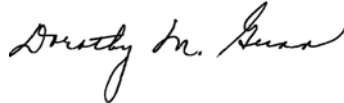
Vanessa Vail  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20th Floor  
Chicago, IL 60601

James Day  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Ave. E.  
Springfield, IL 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
5. Lazar must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 21, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board