

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB No. 06-188  
 ) (Enforcement - Water)  
 )  
 KARAM TOOR and SURJIT TOOR, )  
 individuals, d/b/a TOOR CAR and )  
 TRUCK PLAZA, and SINGH INC. OF )  
 ILLINOIS, a foreign corporation, )  
 d/b/a TOOR CAR and TRUCK PLAZA )  
 )  
 Respondents. )

NOTICE OF FILING

TO: Bill Seith  
 Total Environmental Solutions, P.C.  
 635 Butterfield Rd., Suite 240  
 Oakbrook Terrace, IL 60181

(VIA ELECTRONIC FILING)

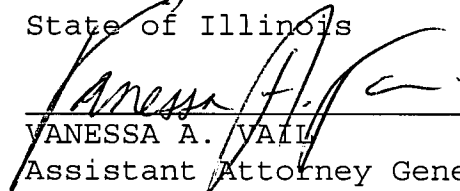
PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the Stipulation and Proposal for Settlement, and Motion to Request Relief from Hearing Requirement, true and correct copies which are attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
 Attorney General of the  
 State of Illinois

BY:

  
 VANESSA A. VAIL  
 Assistant Attorney General  
 Environmental Bureau  
 188 W. Randolph St., 20<sup>th</sup> Floor  
 Chicago, Illinois 60601  
 (312) 814-5361

DATE: January 2, 2007

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 06-188
	)	(Enforcement - Water)
KARAM TOOR and SURJIT TOOR,	)	
individuals, d/b/a TOOR CAR and	)	
TRUCK PLAZA, and SINGH INC. OF	)	
ILLINOIS, a foreign	)	
corporation, d/b/a TOOR CAR and	)	
TRUCK PLAZA	)	
	)	
Respondents.	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and Respondents KARAM TOOR and SURJIT TOOR, doing business as ("d/b/a") TOOR CAR and TRUCK PLAZA, and SINGH INC. OF ILLINOIS, 'd/b/a TOOR CAR and TRUCK PLAZA, (collectively referred to as "Respondents"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a hearing were held. The parties further stipulate that this statement of facts is made and agreed

upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in any other proceeding regarding the claims asserted in the Complaint except as otherwise provided herein. If the Board approves and enters this Stipulation, Respondents agree to be bound by the Stipulation and Board Order and not to contest their validity in any subsequent proceeding to implement or enforce their terms.

**I. JURISDICTION**

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2004).

**II. AUTHORIZATION**

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

**III. STATEMENT OF FACTS**

**A. Parties**

1. On June 23, 2006, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e), (as amended by P.A. 93-831 (eff. July 28, 2004)), against the Respondents.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2004).

3. From at least April 26, 2004, and continuing through the date of filing of this Stipulation, Respondent SINGH INC. OF ILLINOIS, d/b/a TOOR CAR and TRUCK PLAZA ("Singh") has been and is a Wisconsin corporation registered to do business in Illinois.

4. At all times relevant to this Stipulation, Respondent KARAM TOOR has been and is an individual and a Wisconsin resident.

5. At all times relevant to this Stipulation, Respondent SURJIT TOOR has been and is an individual and a Wisconsin resident.

**B. Site Description**

1. From at least 1998 or a date better known to Respondents, through April 26, 2004 or a date better known to Respondents, KARAM TOOR and SURJIT TOOR ("the Toors") were doing business as Toor Car and Truck Plaza at a facility located at 43067 North U.S. Highway 41, Wadsworth, Lake County, Illinois ("Site").

2. From at least April 26, 2004 or a date better known to Respondents, and continuing through the date of filing of this Stipulation, Respondent Singh has done and continues to do business as Toor Car and Truck Plaza located at the Site.

3. Toor Car and Truck Plaza operates as a truck stop, gasoline retailer and restaurant.

4. On December 4, 1998, the Illinois EPA issued National Pollutant Discharge Elimination System ("NPDES") Permit No. IL0073431 (the "NPDES Permit") to Toor Car & Truck Plaza for discharging effluent from the wastewater treatment plant ("WWTP") at the Site. The WWTP consists of grease traps for kitchen waste, a two compartment septic tank, and a recirculating sand filter with chlorination, dechlorination and a pump for pumping to the receiving stream.

5. The NPDES Permit expired on November 30, 2003. On September 8, 2005, the Illinois EPA received an NPDES Permit renewal application for Toor Car & Truck Plaza's WWTP.

6. On March 20, 2006, the Illinois EPA reissued the NPDES Permit to Respondents.

**C. Allegations of Non-Compliance**

Complainant contends that the Respondents have violated the following provisions of the Act and Board regulations:

**Count I:** Failing to timely renew Respondent's NPDES Permit, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), and Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a), and discharging effluent from Respondent's WWTP without a valid NPDES permit, in violation of Section 12(f) of the Act.

**D. Admission of Violations**

The Respondents neither admit nor deny the violations alleged in the Complaint filed in this matter and referenced within Section III.C herein.

**E. Compliance Activities to Date**

Respondents were issued an NPDES permit for the Site.

**IV. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Complainant and the Respondents, and any officer, director, agent, or employee of the Respondents, as well as any successors

or assigns of the Respondents. The Respondents shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation.

#### **V. COMPLIANCE WITH OTHER LAWS AND REGULATIONS**

This Stipulation in no way affects the responsibilities of the Respondents to comply with any other federal, state or local laws or regulations including, but not limited to, the Act and the Board regulations, 35 Ill. Adm. Code, Subtitles A through H.

#### **VI. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2004), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;

3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the parties state the following:

1. Complainant asserts that the alleged violations threatened human health and the environment by precluding the Illinois EPA from having knowledge of possible pollution threats to waters of the state.

2. Respondents' WWTP has social and economic value.

3. Respondents' WWTP is necessary and required by law and is therefore suitable for the area in which it is located.

4. It is both technically practicable and economically reasonable for Respondents to comply with the requirements of the Act and Board regulations.

5. Respondents have subsequently complied with the Act and the Board Regulations.



**VII. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2004), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the parties state as follows:

1. The alleged violations continued from May 30, 2003 through March 20, 2006.
2. Respondents were not diligent in renewing their NPDES Permit.
3. The penalty obtained negates the economic benefit accrued as a result of the delay in submitting an NPDES Permit application to Illinois EPA.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Six Thousand Three Hundred Dollars (\$6,300.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondents have no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.

**VIII. TERMS OF SETTLEMENT****A. Penalty Payment**

1. The Respondents shall pay a civil penalty in the sum of Six Thousand Three Hundred Dollars (\$6,300.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation. The Respondents stipulate that payment has been tendered to Respondents' attorney of record in this matter in a form acceptable to that attorney. Further, Respondents stipulate that said attorney has been directed to make the penalty payment on behalf of Respondents, within thirty (30) days from the date the Board adopts and accepts this Stipulation, in a manner prescribed below. The penalty described in this Stipulation shall be paid by certified check or money order payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and submitted to:

Illinois Environmental Protection Agency  
Fiscal Services Section  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

The name and number of the case and Respondents' Federal Employer Identification Number (FEIN) shall appear on the check. A copy of the certified check or money order and any transmittal letter shall be sent to:

VANESSA A. VAIL  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20<sup>th</sup> Floor  
Chicago, Illinois 60601

CHARLES GUNNARSON  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2004), interest shall accrue on any payment not paid within the time period prescribed above at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003 (2004). Interest on any unpaid payment shall begin to accrue from the date the payment is due and continue to accrue until the date payment is received. When partial payment(s) are made, such partial payment shall be first applied to any interest on unpaid payment then due and owing. All interest on payment owed shall be paid by certified check or money order, payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and delivered to the address and in the manner described above.

3. For purposes of payment and collection, Respondents may be reached at the following addresses:

MR. KARAM TOOR  
3840 Jerelin Drive  
Franklin, Wisconsin 53132

MR. SURJIT TOOR  
9520 W. Woelfel Road  
Franklin, Wisconsin 53132

SINGH INC. OF ILLINOIS  
c/o Mr. Surjit S Toor  
43067 N Hwy 41  
Wadsworth, Illinois 60083

4. In the event of default of this Section VIII.A, the Complainant shall be entitled to all available relief including, but not limited to, reasonable costs of collection and reasonable attorney's fees.

**B. Future Use**

Notwithstanding any other language in this Stipulation to the contrary, and in consideration of the mutual promises and conditions contained in this Stipulation, including the Release from Liability contained in Section VIII.D below, the Respondents hereby agree that this Stipulation may be used against the Respondents in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations promulgated thereunder for all violations alleged in the Complaint in this matter, for purposes of Sections 39(a) and (i) and/or 42(h) of the Act, 415 ILCS 5/39(a) and(i) and/or 5/42(h) (2004). Further, Respondents agree to waive any rights to contest, in any subsequent enforcement

action or permit proceeding, any allegations that these alleged violations were adjudicated.

**C. Cease and Desist**

The Respondents shall cease and desist from future violations of the Act that were the subject matter of the Complaint as outlined in Section III.C ("Allegations of Non-Compliance") of this Stipulation.

**D. Release from Liability**

In consideration of the Respondents' payment of the \$6,300.00 penalty and any specified costs and accrued interest, their commitment to Cease and Desist as contained in Section VIII.C and upon the Board's acceptance and approval of the terms of this Stipulation and Proposal for Settlement, the Complainant releases, waives and discharges the Respondents from any further liability or penalties for violations of the Act that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on June 23, 2006. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondents

with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondents' failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois or the Illinois EPA may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondents.

**E. Right of Entry**

In addition to any other authority, the Illinois EPA, its employees and representatives, and the Attorney General, her agents and representatives, shall have the right of entry into and upon the Respondents' facility which is the subject of this Stipulation, at all reasonable times for the purposes of carrying out inspections. In conducting such inspections, the Illinois

EPA, its employees and representatives, and the Attorney General, her employees and representatives may take photographs, samples, and collect information, as they deem necessary.

**F. Enforcement of Board Order**

1. Upon the entry of the Board's Order approving and accepting this Stipulation and Proposal for Settlement, that Order is a binding and enforceable order of the Illinois Pollution Control Board and may be enforced as such through any and all available means.

2. Respondents agree that notice of any subsequent proceeding to enforce the Board Order approving and accepting this Stipulation and Proposal for Settlement may be made by mail and waives any requirement of service of process.

3. The parties agree that, if the Board does not approve and accept this Stipulation and Proposal for Settlement, then neither party is bound by the terms herein.

4. It is the intent of the Complainant and Respondents that the provisions of this Stipulation and Proposal for Settlement and any Board Order accepting and approving such shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state or federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect.



**G. Execution of Document**


This Stipulation shall become effective only when executed by all parties and the Board. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together, shall constitute one and the same instrument.

WHEREFORE, Complainant and Respondents request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

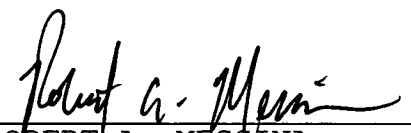
PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN  
Attorney General  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

BY:  DATE: 11/2/06  
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

BY:  DATE: 10/30/06  
ROBERT A. MESSINA  
Chief Legal Counsel

KARAM TOOR, individually

BY: Karam Singh Toor  
KARAM TOOR

DATE: 12/12/06

SURJIT TOOR, individually

BY: Surjit Singh Toor  
SURJIT TOOR

DATE: 12/12/06

SINGH INC. OF ILLINOIS

BY: Surjit Singh Toor  
Name: SURJIT SINGH TOOR  
Title: PRESIDENT

DATE: 12/12/06

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	PCB No. 06-188
v.	)	(Enforcement - Water)
	)	
KARAM TOOR and SURJIT TOOR,	)	
individuals, d/b/a TOOR CAR and	)	
TRUCK PLAZA, and SINGH INC. OF	)	
ILLINOIS, a foreign corporation,	)	
d/b/a TOOR CAR and TRUCK PLAZA	)	
	)	
Respondents.	)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2)(2004), moves that the Illinois Pollution Control Board ("Board") grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1)(2004). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), and Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a).

2. Complainant is filing this Motion and a Stipulation and Proposal for Settlement with the Board.

3. The parties have reached agreement on all outstanding issues in this matter.

4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2004).

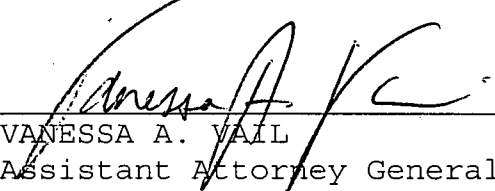
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2004).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

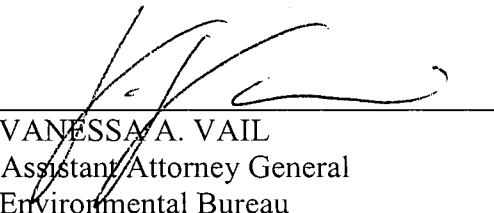
BY:

  
\_\_\_\_\_  
VANESSA A. VAIL  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20th Floor  
Chicago, Illinois 60601  
(312) 814-5361

DATE: January 2, 2007.

**CERTIFICATE OF SERVICE**

I, VANESSA A. VAIL, an Assistant Attorney General, do certify that I caused to be mailed this 2nd day of January 2007, true and correct copies of the Stipulation and Proposal for Settlement, Motion to Request Relief from Hearing Requirement and Notice of Filing by certified mail with return receipt requested to the person listed on the said Notice of Filing, and depositing same with the United States Postal Service located at 188 West Randolph Street, Chicago, Illinois, 60601.

  
\_\_\_\_\_  
VANESSA A. VAIL  
Assistant Attorney General  
Environmental Bureau