

ILLINOIS POLLUTION CONTROL BOARD
May 17, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-44
)	(Enforcement - Water)
ROGER KUBERSKI, d/b/a MOUNT)	
VERNON QUALITY TIMES, INC.,)	
)	
Respondent.)	

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

On September 2, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Roger Kuberski, d/b/a Mount Vernon Quality Times, Inc. (Kuberski). The complaint concerns Kuberski's recreational vehicle park on Illinois State Route 15 in Jefferson County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege in count I of the complaint that Kuberski violated Section 12(f) of the Act (415 ILCS 5/12(f) (2004)) and Section 309.104(a) of the Board's regulations (35 Ill. Adm. Code 309.104(a)) by causing, threatening, or allowing the discharge of contaminants into the environment without a National Pollutant Discharge Elimination System (NPDES) permit and by failing to apply for reissuance of an NPDES permit before its expiration. According to count II of the complaint, Kuberski violated a special condition of the NPDES permit by failing to submit Discharge Monitoring Reports, resulting in a violation of Section 12(f) of the Act. Count III of the complaint alleges that Kuberski violated Section 12(f) of the Act, Sections 304.141(a) and 309.102 of the Board's regulations (35 Ill. Adm. Code 304.141(a), 309.102), and NPDES Permit No. IL0051063 by causing or allowing discharges of total suspended solids, CBOD₅, and ammonia nitrogen in excess of permitted limitations.

On May 2, 2007, the People and Kuberski 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)), 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 stipulation, Kuberski admits the alleged violations and agrees to pay a civil penalty of \$1,200.

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. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 17, 2007, by a vote of 4-0 .



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board