

ILLINOIS POLLUTION CONTROL BOARD

June 19, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-174
)	(Enforcement - Water)
BOB D. STAGNER and LINDA S.)	
STAGNER, d/b/a/ LB'S CAMPING &)	
MOBILE HOME PARK,)	
)	
Respondents.)	

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

On May 17, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Bob D. Stagner and Linda S. Stagner, doing business as LB's Camping & Mobile Home Park (Stagners). The complaint concerns the Stagners' facility known as "LB's Camping & Mobile Home Park," located at 5272 Peach Orchard Road in Sessor, Franklin County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that the Stagners violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2006)) and Sections 302.203, 304.106, 304.120(c), 304.141(a), 305.102, 306.304, and 380.202(a) of the water pollution regulations (35 Ill. Adm. Code 302.203, 304.106, 304.120(c), 304.141(a), 305.102, 306.304, 380.202(a)). The People allege that the Stagners violated these provisions by (1) causing, threatening, or allowing the discharge of contaminants to the waters of the State so as to cause or tend to cause water pollution in connection with the wastewater treatment plant and septic tank effluent; and (2) causing, threatening, or allowing the discharge of contaminants into the waters of the State in violation of a National Pollutant Discharge Elimination System (NPDES) permit.

On May 9, 2008, the People and the Stagners 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Benton Evening News* on May 12, 2008. 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) (2006); 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. *See* 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 respondent'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) (2006)), which bears on the reasonableness of the circumstances surrounding the alleged violations. The Stagners admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2006)), which may mitigate or aggravate the civil penalty amount. The Stagners agree to pay a civil penalty of \$500. The People and the Stagners have satisfied Section 103.302. 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. The Stagners must pay a civil penalty of \$500 no later than July 21, 2008, which is first business day following the 30th day after the date of this order. The Stagners must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Illinois Environmental Protection Trust Fund. The case name, case number, and the Stagners' federal tax identification numbers must appear on the face of the certified check or the money order.
3. The Stagners must submit payment of the civil penalty to:

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

The Stagners must send a copy of the certified check or money order and any transmittal letter to:

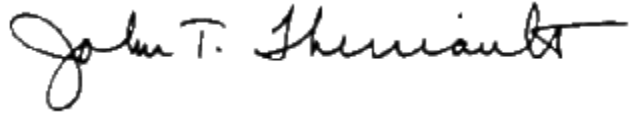
Raymond J. Callery
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).

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) (2006); *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, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 19, 2008, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board