## ILLINOIS POLLUTION CONTROL BOARD February 5, 2015

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 15-1
	)	(Enforcen
FITNESS INTERNATIONAL, LLC,	)	
a California limited liability company, and	)	
C.E. GLEESON CONSTRUCTORS,	)	
INC., a Michigan corporation,	)	
	)	
Respondents.	)	

PCB 15-154 (Enforcement - Water

## ORDER OF THE BOARD (by D. Glosser):

On January 30, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Fitness International, LLC, a California limited liability company, and C.E. Gleeson Constructors, Inc., a Michigan corporation (respondents). The complaint concerns respondents' LA Fitness gym located at 265 Army Trail Road, Glendale Heights, DuPage County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 12(a), 12(d), and 12(f) of the Act, 415 ILCS 5/12(a), (d), and (f) (2012), Sections 302.203, 309.102(a), and 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203, 309.102(a), and 305.102(b), and Parts III.A. 1 and 4 and IV.D.4.e of NPDES Permit ILR10R307. The complaint alleges that respondents violated these provisions by causing or allowing water pollution resulting in a water pollution hazard and offensive conditions. The complaint further alleges that respondents failed to submit reports. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On January 30, 2015, simultaneously with the People's complaint, the People and respondents 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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, the respondents do not affirmatively admit the alleged violations. Fitness International agrees to pay a civil penalty of \$4,000 and C.E. Gleeson agrees to pay a civil penalty of \$6,000.

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) (2012); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 5, 2015 by a vote of 4-0.

In T. Thereian

John T. Therriault, Clerk Illinois Pollution Control Board