

ILLINOIS POLLUTION CONTROL BOARD
June 22, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 98-144
) (Enforcement – Water)
EDWARD VAN DER MOLEN and)
PETER T. BARTON d/b/a SHADOW)
LAKES RESORT,)
)
Respondents.)

OPINION AND ORDER OF THE BOARD (by M. McFawn):

On May 5, 2000, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The amended complaint alleged that respondents violated Sections 12(a) and 12(b) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 5/12(b) (1998)) and 35 Ill. Adm. Code 304.106, 306.304, and 309.203(a) by causing and allowing water pollution, offensive discharges into waters of the State, and overflows of a sanitary sewer, failing to obtain an operating permit, and operating without proper permits.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Herald-News* on May 6, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondents deny the alleged violations, but agree to pay \$7,500. Respondents must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

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

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Edward Van Der Molen and Peter T. Barton d/b/a Shadow Lakes Resort (respondents) concerning their

camping/outdoor recreational facilities located near the cities of Wilmington and Braidwood, in Will County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

2. Respondents shall pay the sum of \$7,500 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund and shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 N. Grand Avenue East
Springfield, IL 62702

The certified check or money order shall clearly indicate on it Respondents' federal employer identification number 36-3652277 and that payment is directed to the Environmental Protection Trust Fund.

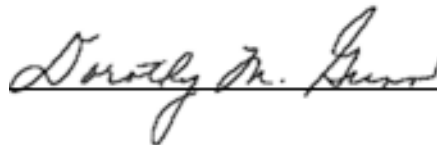
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

3. Respondents shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establish such filing requirements. See 172 Ill. 2d R. 335; see also Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 22nd day of June 2000 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board