

ILLINOIS POLLUTION CONTROL BOARD
September 21, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-43
) (Enforcement - RCRA, Water)
THE ESTATE OF WALTER A. BRANDYS)
formerly d/b/a A & D AUTO SERVICE, BARBARA A.)
(BRANDYS) MANDAL, CHRISTINE M. (BRANDYS))
DOUGLAS, ROBERT A. BRANDYS, and VINCENT W.)
BRANDYS, SR.,)
)
Respondents.)
)

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On August 29, 1996, the People of the State of Illinois (People) filed a six-count complaint against the Estate of Walter A. Brandys formerly d/b/a A & D Auto Service, Barbara A. (Brandys) Mandal, Christine M. (Brandys) Douglas, Robert A. Brandys, and Vincent W. Brandys, Sr. The complaint alleges that respondents caused water pollution, failed to take immediate action to prevent further release of water pollution, failed to timely submit required reports, and failed to remove free product at the facility located at 12958 South Carondelet Avenue, Chicago, Cook County, Illinois, in violation of Sections 12(a) of the Environmental Protection Act (Act) (415 ILCS 5/12(b) (1998)), and 35 Ill. Adm. Code 731.160, 731.161(b), 731.162(b), 731.163(b), 731.164, 731.165, and 731.166(a).

On August 17, 2000, the parties filed a joint stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). 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 Chicago Sun-Times* on August 21, 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 admit to the violations alleged by the Complainant and agree to pay a civil penalty of \$10,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Respondent 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 and order 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 the Estate of Walter A. Brandys formerly d/b/a A & D Auto Service, Barbara A. (Brandys) Mandal, Christine M. (Brandys) Douglas, Robert A. Brandys, and Vincent W. Brandys, Sr. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

2. Respondent shall pay the sum of \$10,000. The penalty shall be paid in 15 installments. The first ten payments shall be in the amount of \$667 and the remaining five payments shall be in the amount of \$666. Payments shall begin within 30 days of the date of this order, that is, on or before October 21, 2000. Such payment shall be made by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and the respondent Vincent W. Brandy's social security number 350-30-3386 shall also be included on the certified check or money order and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order shall be sent by first class mail to:

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

A copy of the payment transmittal and check shall be simultaneously submitted to:

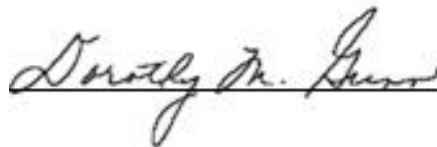
Zemheret Bereket-Ab
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 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.
5. Respondent shall cease and desist future alleged violations of any federal, State, or local statutes and regulations.

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 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 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 21st day of September 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board