ILLINOIS POLLUTION CONTROL BOARD October 17, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
)	PCB 97-37
V.)	(Enforcement - Water)
)	
TOUHY MOBILE HOMES PARK, INC.,)	
Damandant)	
Respondent.)	

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

This matter comes before the Board upon a two-count complaint filed April 29, 1996 by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Touhy Mobile Homes Park, Inc. (Touhy), an Illinois corporation located at 400 West Touhy Avenue, Des Plaines, Cook County, Illinois. The complaint alleges that Touhy has violated the water quality standards and general National Pollutant Discharge Elimination System storm water permit requirements of Sections 12(a) and 12(f) of the Environmental Protection Act (Act), (415 ILCS 5/12(a)), 5/12(f) and 35 Ill. Adm. Code 304.102(a), 304.141(a) 314.101, and 309.102(a) by causing the unlawful discharge of contaminants and failing to have a certified operator for its waste treatment facility.

Pursuant to 415 ILCS 5/31(a)(1), the parties filed a joint motion requesting relief from the Act's hearing requirements on August 19, 1996. The Board published a notice of the waiver on August 29, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and settlement agreement on August 19, 1996. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Touhy admits the alleged violations and agrees to pay a civil penalty of \$2,500.

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control 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 Touhy Mobile Homes Park, Inc., an Illinois corporation located at 400 West Touhy Avenue, Des Plaines, Cook County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
- 2. Touhy shall pay the sum of \$2,500 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 2200 Churchill Road P.O. Box 19276 Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, Touhy's federal employer identification number 36-240-3722 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 subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), 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. Touhy shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the	Illinois Pollution Control Board, l	hereby certify that
the above opinion and order was adopted o	on the day of	, 1996, by a vote
of		
	Dorothy M. Gunn, Clerk	
	Illinois Pollution Control Board	