

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 02-84  
) (Enforcement – Water)  
BILL PALMER, an individual d/b/a )  
COMMERCIAL GROUP, FRANK )  
GLOSKY, an individual d/b/a GLOSKY )  
REALTY, and R.A.S. DEVELOPMENT, )  
INC., an Illinois corporation, )  
)  
Respondents. )

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On December 20, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Bill Palmer d/b/a Commercial Group, Frank Glosky d/b/a Glosky Realty, and R.A.S. Development, Inc. (respondents). See 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People alleged that respondents violated Section 12(a) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) (2000)), violated various provisions of the Board's water pollution regulations, and violated respondents' National Pollutant Discharge Elimination System (NPDES) permit. The People further allege that respondents violated these provisions by constructing storm water sewers in a manner that caused silt, sediment, and other solid material to discharge into Morgan Creek. The complaint concerns respondents' residential housing development near the intersection of Collins and Grove Roads, Oswego, Kendall County.

On April 18, 2002, 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). 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 *Ledger-Sentinel* on April 25, 2002. 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) (2000); 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. 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 respondents' 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) (2000)). The People and respondents have satisfied Section 103.302. Respondents neither admit nor deny the alleged violations and agree to pay a civil penalty of \$24,000. 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. Respondents Bill Palmer d/b/a Commercial Group and Frank Glosky d/b/a Glosky Realty must jointly and severally pay a civil penalty of \$12,000 no later than July 6, 2002, which is the 30th day after the date of this order.
3. Respondent R.A.S. Development, Inc. must pay a civil penalty of \$12,000 no later than July 6, 2002.
4. Respondents must pay the civil penalties by certified checks or money orders, payable to the Illinois Environmental Protection Agency, designated for deposit into the Environmental Protection Trust Fund. The case number, case name, and respondents' social security numbers or federal employer identification number must be included on each certified check or money order.
5. Respondents must send each certified check or money order to:

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

A copy of each certified check or money order, and all related correspondence, shall be sent by first class mail to:

Christopher Grant  
Assistant Attorney General  
Environmental Bureau  
188 West Randolph, 20th Floor  
Chicago, IL 60601

6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate

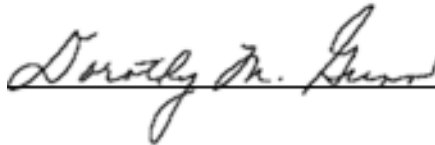
set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).

7. Respondents must cease and desist from the alleged violations.

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) (2000); *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, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 6, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board