

ILLINOIS POLLUTION CONTROL BOARD
March 3, 2005

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 04-94
) (Enforcement - Water)
HAUCK HOMES, an Illinois corporation d/b/a)
ROCK RIVER ESTATES MOBILE HOME)
PARK,)
)
Respondent.)

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

On December 12, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Hauck Homes, Inc. d/b/a Rock River Estates Mobil Home Park (Hauck Homes). See 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Hauck Homes violated Sections 12(a) and (f) of the Environmental Protection Act (Act) and Sections 304.121(a), 304.141(a), 305.102(a), and 306.102(a) of the Board's water pollution regulations. 415 ILCS 5/12(a), (f) (2002); 35 Ill. Adm. Code 304.121(a), 304.141(a), 305.102(a), and 306.102(a). The People further allege that Hauck Homes violated these provisions by allowing fecal coliform concentrations at its wastewater treatment plant to exceed Board regulations. The complaint concerns Hauck Homes' mobile home park located at Dixon, Lee County.

On January 18, 2005, the People and Hauck Homes 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). 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 *Dixon Telegraph* on February 3, 2005. 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) (2002); 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 Hauck Homes' 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) (2002)). The People and Hauck Homes have satisfied Section 103.302. Under the proposed stipulation, Hauck Homes denies the alleged violations and agrees to pay a civil penalty of \$12,000. 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. Hauck Homes must pay a civil penalty of \$12,000 no later than April 4, 2005, which is the 30th day after the date of this order. Hauck Homes must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Hauck Homes' social security number or federal employer identification number must be included on the certified check or money order.
3. Hauck Homes must send the certified check or money order by first class mail to:

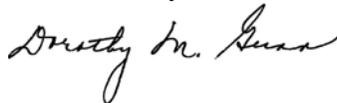
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
5. Hauck Homes 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) (2002); *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 March 3, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board