

public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. See 35 Ill. Adm. Code 103.300(a). The newspaper notice was published in the *Daily Herald* and the *Chicago Sun Times* on April 12, 2022 and in the *Herald-News*, *Kendall County Record*, and *Morris Herald-News* on April 14, 2022. 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) (2020); 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. See 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 Lehigh gas's 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) (2020)], which bears on the reasonableness of the circumstances surrounding the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act [415 ILCS 5/42(h) (2020)], which may mitigate or aggravate the civil penalty amount. Under the proposed stipulation, the RDK does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$60,000.

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. RDK must pay a civil penalty of \$60,000 no later than Monday, June 13, 2022, which is the first business day following the 30th day after the date of this order. RDK must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
3. RDK must submit payment of the civil penalty to:

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

RDK must send a copy of the certified check, money order, and any transmittal letter to:

Kevin Garstka
Assistant Attorney General
Environmental Bureau

Illinois Attorney General's Office
 69 W. Washington Street, Suite 1800
 Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act [415 ILCS 5/42(g) (2020)] at the rate set forth in Section 1003(a) of the Illinois Income Tax Act [35 ILCS 5/1003(a) (2020)].
5. RDK must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

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) (2020); *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. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Illinois Attorney General's Office Attn: Kevin Garstka 69 W. Washington Street, Suite 1800 Chicago, Illinois 60602 Kevin.gartska@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 don.brown@illinois.gov
RDK Ventures LLC Illinois Corporation Service Co 801 Adlai Stevenson Dr. Springfield, IL 62703	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 12, 2022, by a vote of 5-0.

Don A. Brown

Don A. Brown, Clerk
Illinois Pollution Control Board