

requests for relief. The newspaper notice was published in the *Rockford Register Star* on August 8, 2008. The Board did not receive any requests for hearing. The Board grants the parties' respective requests for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2006); 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 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) (2006)), 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) (2006)), which may mitigate or aggravate the civil penalty amount. Rockford Blacktop neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$10,500. Westlake does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$12,000. The People, Rockford Blacktop, and Westlake have satisfied Section 103.302. The Board accepts the two stipulations and proposed settlements.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference both stipulations and proposed settlements.
2. Rockford Blacktop must pay a civil penalty of \$10,500 no later than October 6, 2008, which is first business day following the 30th day after the date of this order.
3. Westlake must pay a civil penalty of \$12,000 no later than October 6, 2008, which is the first business day following the 30th day after the date of this order.
4. Rockford Blacktop and Westlake must pay the specified civil penalty in the manner provided in the respective settlements, payable to the Illinois Environmental Protection Agency, designated to the Illinois Environmental Protection Trust Fund. The case name, case number, and that respondent's Federal Tax Identification Number must be included on, as applicable, the certified check or money order.
5. Rockford Blacktop and Westlake must submit the respective civil penalties to:

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

Rockford Blacktop and Westlake each must send a copy of, as applicable, the certified check or money order and any transmittal letter to:

Vanessa A. Vail
Assistant Attorney General
Environmental Bureau
69 W. Washington St., 18th Floor
Chicago, Illinois 60602

6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).

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) (2006); *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, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 4, 2008, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board