



nature of respondent'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) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Respondent admits the alleged violation.

The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Respondent agrees to pay a civil penalty of \$3,000. Additionally, the stipulation includes a supplemental environmental project (SEP), whereby respondent agrees to provide \$4,500 to the Illinois Clean Diesel Grant Program, which is administered by the Illinois Green Fleets Program, to purchase a direct-fired heater for a school bus engine. Stip. at 6. In the event that the SEP cannot be completed, respondent shall pay the settlement value of the SEP (\$4,500) as an additional penalty no later than the date by which the SEP should have been completed. *Id.* at 8. The People and respondent have satisfied Section 103.302. 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. Oil Technology, Inc. must pay a civil penalty of \$3,000 no later than July 8, 2013, which is the first business day following the 30th day after the date of this order. Oil Technology, Inc. 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, case number, and Oil Technology Inc.'s federal tax identification number must appear on the face of the certified check or money order.
3. Oil Technology, Inc. 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

Oil Technology, Inc. must send a copy of the certified check or money order and any transmittal letter to:

Amanda Kimmel, AAG  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

4. If the Supplemental Environmental Project (SEP) is not completed by June 6, 2013, Oil Technology, Inc. must submit payment of \$4,500 to the Illinois Environmental Protection Agency Special State Projects Fund, marked for deposit into the Illinois Clean Diesel Grant Program, in satisfaction of the SEP no later than July 8, 2013.
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
6. Oil Technology, Inc. must cease and desist from future violations of the 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) (2010); *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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2013 by a vote of 5-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board