

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

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Larry Barry, Inc. d/b/a Larry's Marathon Warehouse (Barry). The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Barry must pay a civil penalty of \$2,500. Payment must be made within 30 days of the date of this order, that is, on or before March 17, 2001. Such payment must be made by certified check or money order payable to the Treasurer of the State of Illinois, for deposit in the Environmental Protection Trust Fund. The case number, case name, and Barry's federal employer identification number 37-1367320 must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order must be sent 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

A copy of the payment transmittal and check shall be simultaneously submitted to:

Donna Lutes, Environmental Bureau
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

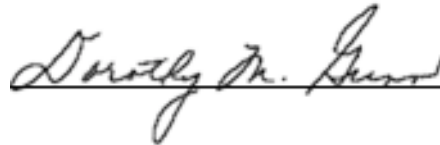
4. Any such penalty not paid within the time prescribed incurs interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Barry must cease and desist future alleged violations of any federal, State, or local statutes and regulations.

6. This order covers all claims asserted in the complaint filed herein concerning violations of the Act (415 ILCS 5/1 *et seq.* (1998)), and the regulations promulgated thereunder. Covered matters do not include:
- a. Criminal liability;
 - b. Claims based on Barry's failure to meet the requirements of this order;
 - c. Liability for future violation of State, local, federal, and common laws and/or regulations; and
 - d. Any future liability for natural resource damage or for removal, cleanup, or remedial action as a result of a release of hazardous substances or the liability of Barry under Section 22.2(f) of the Act (415 ILCS 5/22.2(f) (1998)), or under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C §§ 9601-9675).

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 15th day of February 2001 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board