



stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of BFI'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) (2000) ) *amended by* P.A. 92-0574, eff. June 26, 2002). The People and BFI have satisfied Section 103.302. BFI denies the alleged violation(s) and agrees to pay a civil penalty of \$94,000. 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. BFI must pay a total civil penalty of \$94,000. BFI must pay \$44,000 no later than January 15, 2003. BFI must pay the final installment of \$50,000 no later than January 21, 2003 (which is the 30th day after the date of this order). BFI must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and BFI's social security number or federal employer identification number must be included on the certified check or money order.
3. BFI must send the certified check or money order 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) (2000)) *amended by* P.A. 92-0574, eff. June 26, 2002) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)) *amended by* P.A. 92-0574, eff. June 26, 2002).
5. BFI must cease and desist from the alleged violations.

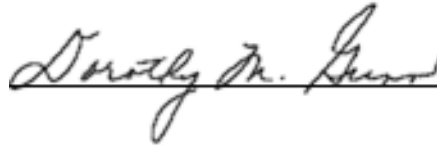
IT IS SO ORDERED.

Chairman C.A. Manning abstained.

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) (2000); *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 December 19, 2002, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board