

ILLINOIS POLLUTION CONTROL BOARD
February 5, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 98-42
) (Enforcement - EPCRA)
ILLINI PROTEIN, an Illinois corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

This matter comes before the Board on a motion to reconsider filed by complainant on January 20, 1998. Complainant states that on January 8, 1998, the Board accepted and approved the stipulation and proposal for settlement in this case. As ordered by the Board, respondent was required to pay the civil penalty to the Environmental Protection Trust Fund. However, the stipulation and proposal for settlement required respondent to pay, pursuant to Section 42(b)(5)(b.5) of the Environmental Protection Act (Act) (415 ILCS 5/42(b)(b.5)), a civil penalty of \$8,700 to the Environmental Protection Permit and Inspection Fund.

The Board grants complainant's motion to reconsider, which is in essence a motion to correct what is a clerical error in the Board's January 8, 1998 order. For the convenience of the parties, we set forth below the January 8, 1998 order in its entirety with the clerical error corrected to order respondent to pay a civil penalty of \$8,700 to the Environmental Protection Permit and Inspection Fund.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Illini Protein, an Illinois corporation, located at 10014 North Rock City Road, Rock City, Stephenson County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Illini Protein shall pay the sum of \$8,700 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to Environmental Protection Permit and Inspection Fund and shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 N. Grand Avenue East
Springfield, IL 62702

The certified check or money order shall clearly indicate on it Illini Protein's federal employer identification number 36-3199588 and that payment is directed to the Environmental Protection Permit and Inspection Fund.

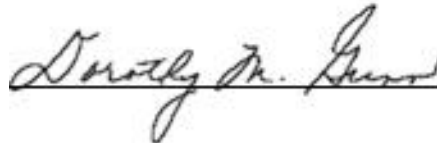
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

3. Illini Protein shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, 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 5th day of February 1998, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board