

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 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 the Carle Foundation Hospital'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) (2004)), which bears on the reasonableness of the circumstances surrounding the alleged violations.

The Carle Foundation Hospital admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2004)), which may mitigate or aggravate the civil penalty amount. The Carle Foundation Hospital agrees to pay a civil penalty of \$6,200, which the parties stipulate negates any economic benefit derived from delayed compliance. The People further assert that the penalty will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations. The Carle Foundation Hospital further agrees to undertake a supplemental environmental project (SEP), consisting of a mercury thermometer exchange and related disposal for up to 500 mercury thermometers.

The People and the Carle Foundation Hospital have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement. This docket is now closed.

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. The Carle Foundation Hospital, through its attorney of record, must pay a civil penalty of \$6,200 no later than July 18, 2006, which is the first business day after the 30th day after the date of this order. The Carle Foundation Hospital must pay the civil penalty by certified check, money order, or electronic funds transfer, payable to the Environmental Protection Trust Fund. The case number, case name, and the Carle Foundation Hospital's social security number or federal employer identification number must be included on the certified check or money order.
3. The Carle Foundation Hospital, through its attorney of record, must send the certified check, money order, or electronic funds transfer to the following person at the indicated address:

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

4. The Carle Foundation Hospital, through its attorney of record, must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to the following person at the indicated address:

Peggy Poitevint
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62702

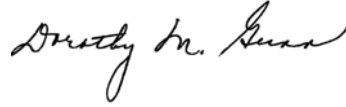
Kyle Davis, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
6. By April 1, 2007, the Carle Foundation Hospital must implement a SEP: a Thermometer Exchange Marketing Plan consisting of the exchange of no fewer than 500 mercury thermometers, including the following elements: public promotion; Better Living Magazine (if the timing is right); Carle consumer websites; paid advertising (in Champaign-Urbana and Danville) (\$1,500); publicity (press release, public service announcement) (\$100); collateral (POS posters in CCA Urbana main campus waiting areas (pediatrics, adult medicine, family practice, OB, ENT, etc.), fliers, etc.) (\$750); digital thermometers (\$2,255); disposal of 200 lbs. of mercury waste (\$1,120); U.S. DOT-approved waste containers (\$60); Carle employee promotion; Weekly Update electronic newsletter; Foundations magazine; and posters (total \$5,785).
7. The Carle Foundation Hospital must cease and desist from the alleged violations.

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) (2004); *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 June 15, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board