

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.

As previously stated, Deemie admits the violations alleged in the complaint, and agrees to pay a civil penalty of \$8,000. 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 People determined that a civil penalty of \$8,000 was appropriate.

The People and Deemie 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. Walter Deemie d/b/a/ River City Demolition (Deemie) must pay a civil penalty of \$8,000 in twelve (12) installments. The first installment of \$666.67 is due on or before October 10, 2006; the first business day following thirty (30) days after the date of this order. The remaining eleven installments, each of \$666.66 are due on the 15th day of each month thereafter, commencing on November 15, 2006, and continuing until the entire civil penalty of \$8,000 is paid.
3. Deemie must pay the civil penalty by certified checks, money orders or electronic funds transfers, payable to the Environmental Protection Trust Fund. The case number, case name, and respondents' federal employer identification or social security numbers must be included on the certified checks or money orders. If submitting electronic funds transfer to the Illinois Environmental Protection Agency, the electronic funds transfers must be made in accordance with the specific instructions provided to Deemie.
4. Deemie must submit the certified checks, money orders or electronic funds transfers to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
5. A copy of the certified checks, money orders or record of the electronic funds transfers and any transmittal letters must be sent to the following:

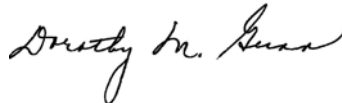
Mr. Phillip McQuillan
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62702

6. 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).
7. Deemie 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 order on September 7, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board