

Stream Press on April 26, 2013. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 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 Diversified'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) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Diversified does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Diversified agrees to pay a total amount of \$20,000, consisting of a \$15,500 civil penalty for deposit into the Environmental Protection Trust Fund and a \$4,500 payment for deposit into the Environmental Protection Permit and Inspection Fund.¹ The People and Diversified 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. Diversified must pay a total amount of \$20,000 no later than July 8, 2013, which is the first business day following the 30th day after the date of this order. The \$20,000 amount consists of a \$15,500 civil penalty for deposit into the Environmental Protection Trust Fund and a \$4,500 payment for deposit into the Environmental Protection Permit and Inspection Fund. Diversified must make each payment by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the specified fund. The case name, case number, and Diversified's federal tax identification number must appear on the face of the certified checks or money orders.
3. Diversified must submit the payments to:

Illinois Environmental Protection Agency
Fiscal Services Division

¹ The proposed settlement refers to depositing the \$4,500 payment into the "Environmental Permit and Inspection Fund." Stipulation at 8, 9. The Board assumes that the parties meant the Environmental *Protection* Permit and Inspection Fund, created under Section 22.8 of the Environmental Protection Act (415 ILCS 5/22.8 (2010)). The Board construes this omission as mere scrivener's error.

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Diversified must send a copy of each certified check or money order and any transmittal letter to:

Nancy J. Tikalsky
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
5. Diversified must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

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) (2010); *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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 6, 2013 by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board