



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.

Barry Hayden 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. Barry Hayden agrees to pay a civil penalty of \$3,500, which the parties stipulate will serve to deter further violations and aid in future voluntary compliance. The stipulation also contains a detailed compliance program and provides for stipulated additional penalties if the various stated compliance dates are missed.

The People and Barry Hayden 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. Barry Hayden must pay a civil penalty of \$3,500 no later than February 6, 2006, which is the first business day after the 30th day after the date of this order. Barry Hayden 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 Barry Hayden's social security number or federal employer identification number must be included on the certified check or money order.
3. Barry Hayden must undertake certain actions to achieve and demonstrate compliance as described and according to the timetables described in section B "Compliance Plan," paragraphs 1 through 9 of section VIII, "Terms of Settlement," in the Stipulation and Proposal for Settlement.
4. Barry Hayden 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
5. Barry Hayden must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to the following persons at the indicated addresses:

Kristen Laughridge, Assistant Attorney General  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

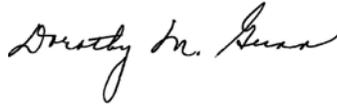
Joey-Logan Wilkey, Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Street  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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. Barry Hayden 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 January 5, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board