

Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2004); 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. 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 Home Depot'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.

Home Depot neither admits nor denies 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. Home Depot agrees to pay a civil penalty of \$15,000, which the parties stipulate negates any economic benefit derived from delayed compliance. The People further assert will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations. Home Depot further agrees undertake a supplemental environmental project (SEP). Home Depot agrees as the SEP to pay \$15,000 to the Village of Homer Glen for use in constructing an off-road multi-use trail system and trailhead.

The People and Home Depot 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. Home Depot must pay a civil penalty of \$15,000 no later than May 20, 2006, which is the first business day after the 30th day after the date of this order. Home Depot 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 Home Depot's social security number or federal employer identification number must be included on the certified check or money order.
3. Home Depot 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. Home Depot 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:

Zemeheret Bereket-Ab, Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Floor
Chicago, Illinois 60601

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. Home Depot must undertake a SEP no later than May 20, 2006, which is the first business day after the 30th day after the date of this order. Home Depot must pay the Village of Homer Glen \$15,000 for use in constructing an off-road, multi-use trail system and trailhead. Home Depot must pay the SEP by certified check, money order, or electronic funds transfer, payable to the Village of Homer Glen. The case number, case name, and Home Depot's social security number or federal employer identification number must be included on the certified check or money order.
7. Home Depot must send the certified check, money order, or electronic funds transfer for the SEP to the following person at the indicated address:

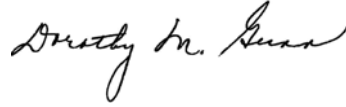
Dwight Johnson, Village Manager
Village of Homer Glen
14331 South Golden Oak Drive
Homer Glen, Illinois 60491

8. Home Depot 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 April 20, 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