



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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STATE OF ILLINOIS
Pollution Control Board

Lisa Madigan
ATTORNEY GENERAL

February 9, 2007

The Honorable Dorothy Gunn
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. The Highlands, LLC., et al.***
PCB No. 00-104

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING and MOTION TO CONFORM JANUARY 26, 2007 ORDER TO STIPULATION REGARDING PENALTY in regard to the above-captioned matter. Please file the original and return a file-stamped copy of the document to our office in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Jane E. McBride
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

JEM/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
THE HIGHLANDS, LLC, an Illinois limited)
liability corporation, and MURPHY)
FARMS, INC., (a division of MURPHY-)
BROWN, LLC, a North Carolina limited)
liability corporation, and SMITHFIELD)
FOODS, INC., a Virginia corporation),)
)
Respondents.)

PCB NO. 00-104
(Enforcement - Air, Water)

NOTICE OF FILING

To: Mr. Jeffrey W. Tock
Harrington, Tock & Royse
201 W. Springfield Avenue, Ste. 601
P.O. Box 1550
Champaign, IL 61824-1550

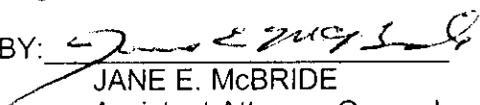
Mr. Charles M. Gering
Foley & Lardner
321 N. Clarke St.
Suite 2800
Chicago, IL 60610-4764

PLEASE TAKE NOTICE that on February 9, 2007, I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION TO CONFORM JANUARY 26, 2007 ORDER TO STIPULATION REGARDING PENALTY, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
JANE E. McBRIDE
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: December 15, 2006

CERTIFICATE OF SERVICE

I hereby certify that I did on February 9, 2007, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and MOTION TO CONFORM JANUARY 26, 2007 ORDER TO STIPULATION REGARDING PENALTY

To: Mr. Jeffrey W. Tock
Harrington, Tock & Royse
201 W. Springfield Avenue, Ste. 601
P.O. Box 1550
Champaign, IL 61824-1550

Mr. Charles M. Gering
Foley & Lardner LLP
321 N. Clarke St.
Suite 2800
Chicago, IL 60610-4764

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s)

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: Mr. Brad Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, IL 60601


Jane E. McBride
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FOODS, INC., a Virginia corporation).)
)
Respondents.)

PCB No. 00-104
(Enforcement)

**MOTION TO CONFORM JANUARY 26, 2007 ORDER
TO STIPULATION REGARDING PENALTY**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, and moves the Board to conform Item 2 of it's January 26, 2007 order with the agreed Stipulation which allows the penalty to be paid in two equal installments.

1. According to Section VIII.A of the Stipulation, the first \$4,500.00 installment is to be paid within thirty (30) days from the date of entry of the Board's order adopting and accepting the Stipulation, and the second installment of \$4,500.00 shall be paid within 120 days from the date the Board adopts and accepts the Stipulation.

2. If it is the intent of the Board to incorporate the Stipulation, as stated in Item 1 of the Order, the Illinois EPA has requested that the order be modified to conform with the Stipulation. The Illinois EPA makes this request so that the order and schedule of payments is consistent, and thereby satisfy the requirements of the agency's auditors.

3. Counsel for Respondent has no objection to Complainant's motion, and has

represented to counsel for the Complainant that he desires the question be resolved in whatever manner necessary to allow payment in two installments as agreed in the Stipulation.

WHEREFORE, the Complainant respectfully requests that the Board modify its January 26, 2007 order to include the installment penalty payment schedule as set forth in Section VIII.A of the Stipulation between the Complainant and Respondent Highlands.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY:


JANE E. MCBRIDE
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
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