

ILLINOIS POLLUTION CONTROL BOARD  
February 20, 1997

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 97-107  
) (Enforcement - EPCRA)  
ATWOOD INDUSTRIES, INC., an Illinois )  
corporation, )  
)  
Respondent. )

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board on a motion to reconsider filed by complainant on February 6, 1997. Complainant states that on January 23, 1997, the Board accepted and approved the stipulation and proposal for settlement in this case. As ordered by the Board, respondent was required to pay the civil penalty to the Environmental Protection Trust Fund. However, the stipulation and proposal for settlement required respondent to pay, pursuant to Section 42(b)(5)(b.5) of the Environmental Protection Act (Act) (415 ILCS 5/42(b)(b.5)), a civil penalty of \$8,600 to the Environmental Protection Permit and Inspection Fund.

The Board grants complainant's motion to reconsider, which is in essence a motion to correct what is a clerical error in the Board's January 23, 1997 order. For the convenience of the parties, we set forth below the January 23, 1997 order in its entirety with the clerical error corrected to order respondent to pay a civil penalty of \$8,600 to the Environmental Protection Permit and Inspection Fund.

ORDER

- 1) The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Atwood Industries, Inc. (Atwood), an Illinois corporation, located at 4750 Hiawatha Drive, Rockford, Winnebago County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
- 2) Atwood shall pay the sum of \$8,600 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Permit and Inspection Fund and shall be sent by first class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face Atwood's federal employer identification number 36-3036330 and that payment is directed to the Environmental Protection Permit and Inspection Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Atwood shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1997, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board