

ILLINOIS POLLUTION CONTROL BOARD

September 18, 1997

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 97-127
)	(Enforcement - EPCRA)
PETTIBONE CORPORATION, an Illinois)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a September 15, 1997 motion for reconsideration filed by complainant. In its motion complainant indicates that the parties' stipulation and settlement provided that the civil penalty would be paid to the Environmental Protection Permit and Inspection Fund rather than the Environmental Protection Trust Fund as provided in the Board's September 4, 1997 order. Complainant requests that the Board reconsider and issue another order directing that the \$8,700 civil penalty be paid to the Environmental Protection Permit and Inspection Fund.

The Board grants complainant's motion. The order set forth below replaces the Board's September 4, 1997 order in its entirety.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Pettibone Corporation (Pettibone), an Illinois corporation located at 350 East Kehoe Boulevard, Carol Stream, DuPage County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Pettibone shall pay the sum of \$8,700 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
1021 N. Grand Avenue East
Springfield, IL 62702

The certified check or money order shall clearly indicate on it Pettibone's federal employer identification number 36-4143051 and that payment is directed to the Environmental Protection Permit and Inspection Fund.

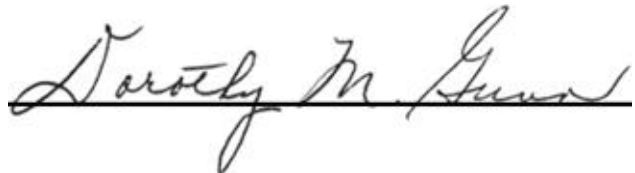
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

3. Pettibone shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18th day of September 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written in dark ink over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board