

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Greg Prey (Prey) must pay a civil penalty of \$5,000. The first payment must be made no later than March 22, 2004, which is the first business day following the 30th day after the date of this order. The remaining \$2,500 must be paid in two (2) quarterly installments of \$1,250, the first being due no later than June 21, 2004, being four (4) months after the date of this order. The second, and final, payment of \$1,250 is due on or before September 20, 2004, being seven (7) months after the date of this order. Prey must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Agency, designated for deposit into the Environmental Protection Trust Fund. The case number, case name, and Prey's social security number or federal employer identification number must be included on the certified check or money order.
3. Prey must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. A copy of the certified check or money order, and all related correspondence must be sent by first class mail to:

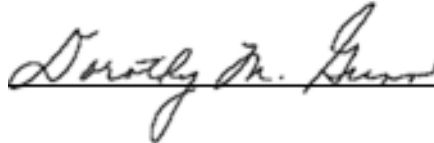
Paula Becker Wheeler
Assistant Attorney General
Environmental Bureau
188 West Randolph, 20th Floor
Chicago, Illinois 60601
5. If Prey fails to make any payment specified in paragraph 2, he will be in default and the remaining unpaid balance of the penalty, plus any accrued interest, will be due and owing immediately. In the event of default, the People will be entitled to reasonable costs of collection, including reasonable attorney's fees.
6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).

7. All interest on penalties owed must be paid in accordance with the procedures set forth in paragraphs 2, 3 and 4 of this order.
8. The People will have right of entry into and upon Prey's facility at all reasonable times for the purposes of carrying out inspections.
9. Prey must cease and desist from future violations of the Act and Board regulations.
10. The People will release, waive and discharge Prey from any further liability or penalties for the violations of the Act and regulations which were the subject matter of the complaint, upon payment of all monies owed.

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) (2002); *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 February 19, 2004, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board