



Answer, and neither admits nor denies all of the alleged violations described in SECTION IV.C.2 of this Stipulation.” *Id.* at 6. QC Finishers agrees to pay a civil penalty of \$149,600, which the parties stipulate “recovers any economic benefit obtained by [QC Finishers] from the alleged noncompliance.” *Id.* at 10.

The Board provided notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. The newspaper notice was published on September 1, 2004, in the following newspapers: *Elm Leaves*; *Forest Leaves*; *Franklin Park Herald-Journal*; *Maywood Herald*; *Melrose Park Herald*; *Northlake Herald-Journal*; *Oak Leaves*; *River Grove Messenger*; *Westchester Herald*; and *West Proviso Herald*. The Board did not receive any requests for hearing. The Board grants the parties’ request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2002); 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. *See* 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 QC Finishers’ 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) (2002)), which bears on the reasonableness of the circumstances surrounding the alleged violations. The People and QC Finishers have satisfied Section 103.302. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2002), *as amended by* P.A. 93-575, (eff. Jan. 1, 2004), which may mitigate or aggravate the civil penalty amount. The Board accepts the stipulation and proposed settlement.

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. QC Finishers must pay a total civil penalty of \$149,600 in three installments as follows:
  - a. \$49,600 no later than 30 days after the date of this order;
  - b. \$50,000 no later than 12 months after the date of this order; and
  - c. \$50,000 no later than 24 months after the date of this order.
3. QC finishers must pay each installment of 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 QC Finishers’ federal employer identification number must be included on each certified check or money order.

4. QC Finishers must send each certified check or money order to:

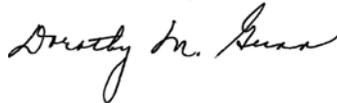
Illinois Environmental Protection Agency  
Fiscal Services  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

5. 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)).
6. QC Finishers 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) (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 October 7, 2004, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board