

ILLINOIS POLLUTION CONTROL BOARD  
January 6, 2000

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 99-109  
) (Enforcement - Air)  
DONALD and ROBERT HASTIE )  
d/b/a HASTIE TRUCKING AND )  
MINING COMPANY, )  
)  
Respondents. )

OPINION AND ORDER OF THE BOARD (by E.Z. Kezelis):

On November 24, 1999, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1998)).

Pursuant to Section 31(c)(2) of the Act, the Board, by order of December 2, 1999, caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. In its complaint, the complainant alleged that the respondents violated Sections 9(a), (b), and 9.1(d) of the Act (415 ILCS 5/9(a), (b), and 9.1(d) (1998)), and that the respondents violated a July 18, 1996 order of the Board (People v. Hastie (July 18, 1996), PCB 96-202). Complainant alleges that the respondents committed these violations by causing, threatening, or allowing excess emissions of particulate matter from their Hardin County, Illinois facility.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondents admit the alleged violations and agree to pay a total civil penalty of \$6,000. Respondents must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and proposal for settlement executed by the People of the State of Illinois and Donald and Robert Hastie d/b/a Hastie Trucking and Mining Company, regarding a facility located in Hardin County, Illinois. The stipulation and proposal for settlement is incorporated by reference as if fully set forth herein.
2. Respondents shall pay the sum of \$6,000 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 Trust Fund. The case number, case name, and respondents' federal employer identification number (37-0906669) shall also be included on the check or money order.
3. The check or money order shall be sent by first class mail to:

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

A copy of the payment transmittal and check shall be simultaneously submitted to:

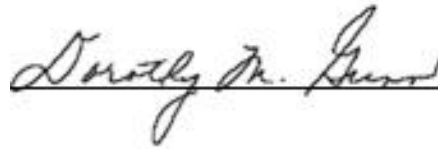
Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

4. 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(a) (1998)), 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.
5. Respondents shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 6th day of January 2000 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board