

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1995

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
)
Complainant,)
)
v.) PCB 94-135
) (Enforcement)
RELIABLE SAND AND)
GRAVEL, INC.,)
an Illinois corporation,)
)
)
Respondent.)

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

On January 9, 1995, respondent filed a motion to modify the Board's final order of December 14, 1994. The December 14th order accepted a settlement agreement filed by the parties in this enforcement action and closed the docket. The respondent requests that the Board modify the order by replacing the word "penalty" with the word "payment" consistent with the settlement agreement.

The motion to modify is granted. For the convenience of the parties, the modified order is set out in its entirety below:

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Reliable, concerning its facility located at 2121 South River Road, in the City of McHenry, Mchenry County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Reliable, shall pay the sum of ten thousand dollars (\$10,000.00) according to the following schedule:
 - a) Within thirty days of the date of this order, Reliable shall pay the amount of three thousand four hundred (\$3,400.00).
 - b) Every sixty days thereafter Reliable shall pay the amount of three thousand three hundred (\$3,300.00) until payment is made in full.

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 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, Reliable's Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund

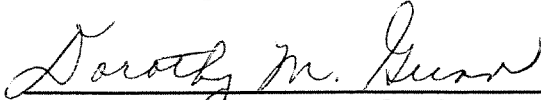
Any such payment not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during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

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

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 11th day of January, 1995, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board