

Respondents admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2004)), which may mitigate or aggravate the civil penalty amount. Respondents agree to pay a civil penalty of \$2,500, which the parties stipulate is at least as great as respondents' economic benefit from delayed compliance, if any. People assert will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations. Respondents further agree to engage in a supplemental environmental project, which consists of the cash payment of \$10,000 for the restoration of a park and playground in South Pekin that was severely damaged by a tornado in May 2004.

The People and respondents have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement. This docket is now closed.

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. Respondents must pay a civil penalty of \$2,500 no later than May 8, 2006, which is the first business day after the 30th day after the date of this order. Respondents must pay the civil penalty by certified check, money order, or electronic funds transfer, payable to the Environmental Protection Trust Fund. The case number, case name, and respondents' social security number or federal employer identification number must be included on the certified check or money order.
3. Respondents must send the certified check, money order, or electronic funds transfer to the following person at the indicated address:

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

4. Respondents must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to the following person at the indicated address:

Kristen Laughridge, Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62702

James G. Richardson, Assistant Counsel

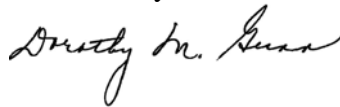
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5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
6. The respondents must pay \$10,000 for the restoration of a park and playground in South Pekin for which the local Veterans of Foreign Wars (VFW) post and Boy Scout Troop 1232 will perform the work: the painting and repair of all swings, slides, bars, and related equipment; installation of a new drinking fountain, procurement and installation of two or three park benches, repair of existing park fence, and addition of a gate, and 300 feet of fence to fully enclose the park; addition of topsoil to level the playground; seeding the site; and planting of five large trees on the west side of the park for shade.
7. The respondents must maintain contact with the local VFW post until the work is completed.
8. Respondents 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) (2004); *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 April 6, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board