

also contains what the parties characterize as a \$25,000 “penalty offset”. In essence, if Landfill fails to timely complete the SEPs, under specified conditions it must pay an additional \$25,000 penalty. See Order below, paragraph 7. 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. Macon County Landfill Corp. (Landfill) must pay a civil penalty of \$75,000 no later than October 6, 2001, which is the 30th day after the date of this order. Landfill must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Landfill’s social security number or federal employer identification number must be included on the certified check or money order.
3. Landfill 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. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Landfill must cease and desist from the alleged violations.
6. Landfill must undertake and implement three SEPS provided Landfill received all necessary permits from the Agency and other governmental bodies with jurisdiction. The three SEPs are: (1) additional LFG system improvements; (2) landscaping improvements; and (3) other improvements.
7. The parties have agreed to a penalty offset of \$25,000. In the event that Landfill fails to substantially complete the SEPs by January 1, 2003, provided that Landfill has received all necessary permits from the Agency and other governmental bodies with jurisdiction, and fails to remedy the same within 30 days after notice from the Agency specifying such failure

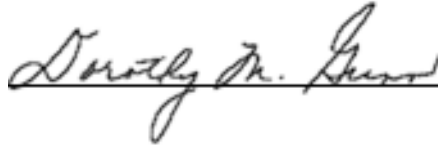
(provided, however, that if such failure by nature is not capable of being cured within such time period and Landfill promptly commences to cure and diligently pursues the cure, the Landfill shall have 60 days after notice thereof to cure), then Landfill must pay an additional monetary penalty of \$25,000 within 60 days following the expiration of applicable cure period in the manner and to the fund specified above.

8. Landfill must implement the Stormwater Pollution Prevention Plan until such time the Agency has approved an alternate plan in the form of modification to Landfill's operation permit.

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) (2000); *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 September 6, 2001, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written in black ink. The signature is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board