



parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2004); 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. 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 respondents 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) (2004)), which bears on the reasonableness of the circumstances surrounding 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.

The stipulation asserts that the total amount the Bradshaw respondents expended to achieve compliance was \$93,000, involving replacement of the irrigation system with an injection system. Under the proposed stipulation, the Bradshaw respondents neither admit nor deny the alleged violations but agree to pay a civil penalty of \$3,500.

The People and neither have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement. The Board has outlined the gist, but not the details, of the stipulation's contents in the order below. In summary, the Board assesses a civil penalty of \$3,500.

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. In summary, the Board assesses a civil penalty of \$3,500.
2. The Bradshaw respondents, through their attorney of record, must pay a civil penalty of \$3,500 no later than February 26, 2007, which is the first business day after the 30th day after the date of this order. The Bradshaw respondents, through their attorney of record, must pay the civil penalty by certified check, money order, or electronic funds transfer, payable to the Illinois Environmental Protection Agency, designated for deposit into the Environmental Protection Trust Fund. The case number, case name, and the Bradshaw respondents' federal employer identification number must be included on the certified check, money order, or electronic funds transfer statement.
3. The Bradshaw respondents, through their attorney of record, must send the certified check, money order, or electronic funds transfer to the following address:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276

Springfield, Illinois 62794-9276

4. The Bradshaw respondents, through their attorney of record, must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to the following persons at the indicated address:

Jane E. McBride  
Assistant Attorney General  
Environmental Bureau  
500 South. Second Street.  
Springfield, Illinois 62702

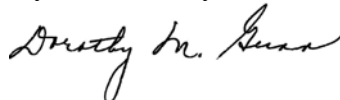
James Day  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
6. The Bradshaw 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 January 26, 2007, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board