

1. The Board hereby accepts the stipulation and settlement agreement executed by the People and Berkman. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Berkman shall pay the sum of \$50,000 within 30 days of the date of this order, that is, on or before December 2, 2000. Such payment shall be made by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and Berkman's federal employer identification number 34-0095910 shall also be included on the certified check or money order and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order shall be sent by first class mail to:

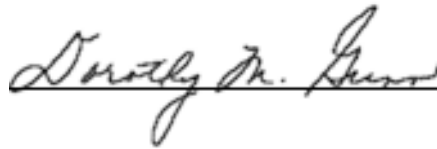
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (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. Berkman shall cease and desist future alleged violations of any federal, state, or local statutes and regulations.
6. The parties agree that the powder coating system constructed and operated pursuant to Illinois Environmental Protection Agency Construction Permit No. 98050031 is an environmentally beneficial project that is not required by federal, State or local environmental standards.
7. Berkman further certifies that it has not received, and will not in the future receive, credit as a Supplemental Environment Project or other penalty offset in any other enforcement action for such projects or credit for any emissions reductions resulting from such projects in any federal, state or local emissions trading or early reduction program.
8. In the event that Berkman publicizes the projects or the results of the projects in connection with any advertisement of its business activities or makes any statement concerning the projects, Berkman must include the following statement: "This project was undertaken in connection with settlement of an action taken by

the State of Illinois under the under the State's environmental laws and the Pollution Control Board's air pollution regulations.”

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 35 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 2nd day of November 2000 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board