

settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Journal Star* on Tuesday December 18, 2018. The Board did not receive a request for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2016); 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. *See* 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 PDC's 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) (2016)), which bears on the reasonableness of the circumstances surrounding the alleged violations. PDC does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2016)), which may mitigate or aggravate the civil penalty amount. PDC agrees to pay a civil penalty of \$30,000 and perform a supplemental environmental project of providing the Illinois Environmental Protection Agency (IEPA) with 2,000 tons of non-hazardous waste disposal, free of charge, with a market value of \$60,000. The People and PDC have satisfied Section 103.302. 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. PDC must pay a civil penalty of \$30,000 no later than Tuesday February 19, 2019, which is the first business day after the 30th day after the date of this order. PDC must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the face of the certified check or money order.
3. PDC must also perform a supplemental environmental project. The supplemental environmental project will provide IEPA with 2,000 tons of non-hazardous waste disposal, free of charge, with a market value of \$60,000. Performance of the supplemental environmental project must comply with the terms in Section V.E. of the Stipulation and Proposal for Settlement.
4. PDC must submit payment of the civil penalty to:

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

PDC must send a copy of the certified check or money order and any transmittal letter to:

Kevin D. Bonin
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General's Office
 500 South Second Street
 Springfield, Illinois 62706

5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2016)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2016)).
6. PDC must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

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) (2016); *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. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Office of the Attorney General Attn: Kevin Bonin	Illinois Pollution Control Board Attn: Don A. Brown, Clerk

500 South Second Street Springfield, Illinois 62706 kbonin@atg.state.il.us	James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Elias, Meghinnes & Seghetti, P.C. Attn: Brian J. Maginnes 416 Main Street, Suite 1400 Peoria, Illinois 61602 bmeghinnes@emrslaw.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 17, 2019, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board