

**RECEIVED**  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD AUG 30 2004**

COUNTY OF JACKSON, )

Complainant, )

v. )

FRANK STONEMARK, )

Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

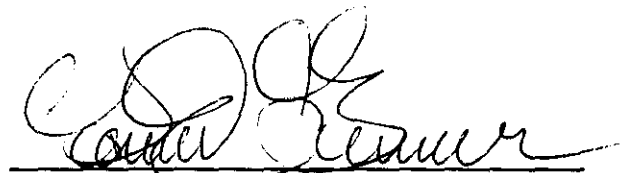
AC 04 - 43

(Site Code: 0778125012)

**NOTICE OF FILING**

TO: Gregory A. Veach, Attorney at Law, 3200 Fishback Road  
P.O. Box 1206, Carbondale, IL 62903-1206

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution  
Control Board a STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S  
PETITION FOR ADMINISTRATIVE REVIEW.



Daniel Brenner  
Assistant State's Attorney

August 25, 2004

Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse  
Murphysboro, IL 62966  
618-687-7200

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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**AUG 30 2004**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**STATE OF ILLINOIS**  
**Pollution Control Board**

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 04 - 43
	)	Site Code: 0778125012
FRANK STONEMARK,	)	
	)	
Respondent.	)	

**STIPULATION OF SETTLEMENT AND DISMISSAL**  
**OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW**

NOW COMES the Complainant, the County of Jackson, ("County"), by and through its attorney, Assistant State's Attorney, Daniel Brenner, and the Respondent, Frank Stonemark, by and through his attorney, Gregory A. Veach, and pursuant to Sections 31.1 and 42(b)(4-5) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31.1 and 42(b)(4-5) (2002), and Sections 103.300 through 103.306 of the Illinois Pollution Control Board's ("Board") Rules and Regulations, 35 Ill. Adm. Code 103.300 et. seq., the parties hereby enter into this STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW ("Agreement"); and in support hereof, the parties respectfully state as follows:

1. On January 7, 2004, Don Terry, a Solid Waste Inspector, for the Jackson County Health Department, conducted an inspection of a facility owned and operated by the Respondent. The facility is located in Section 15 of Pomona Township, Jackson County, and is designated with a Site Code No. 0778125012.

2. On or about January 23, 2004, the County served the Respondent with Administrative Citation No. AC 04-43, alleging therein that the Respondent had caused or allowed open dumping

at his facility on January 7, 2004, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002); and (2) deposition of general construction or demolition debris; or clean construction or demolition debris, a violation of 415 ILCS 5/21 (p)(7)(2002).

3. On or about March 30, 2004, the Respondent filed a Petition for Review contesting the administrative citation.

4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

a. Respondent admits that he caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2002). Respondent agrees to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2002).

b. Respondent agrees to pay the statutory civil penalty within thirty (30) days following the Board's final order in this matter. Payment shall be made to the Jackson County Treasurer as payee, Jackson County Courthouse, Murphysboro, Illinois 62966.

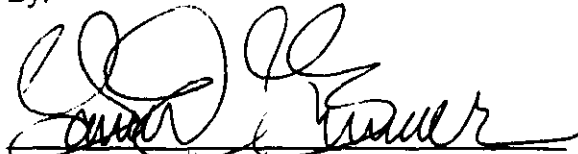
c. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 et. seq. (2002), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.

d. The waste located at the site that was the subject of this administrative citation has been removed and properly disposed of.

e. Respondent's Petition for Review filed with the Board on or about March 30, 2004, shall be dismissed.

WHEREFORE, the parties request that the Board accept this Agreement and issue an order consistent with its terms and conditions.


By:

  
\_\_\_\_\_

Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse, Third Floor  
Murphysboro, IL 62966  
618-687-7200

For the Complainant

By:

  
\_\_\_\_\_

Gregory A. Veach  
Attorney at Law  
3200 Fishback Road  
P.O. Box 1206  
Carbondale, IL 62903-1206  
618-549-3132

For the Respondent

## PROOF OF SERVICE

I hereby certify that I did on the 25<sup>th</sup> day of August, 2004, send by U.S. Mail, with postage thereon fully prepaid, by depositing in U.S. Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

To: Gregory A. Veach  
3200 Fishback Road  
P.O. Box 1206  
Carbondale, IL 62903-1206

Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail with postage thereon fully prepaid.

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601



Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse, Third Fl.  
Murphysboro, IL 62966  
618-687-7200