

RECEIVED
CLERK'S OFFICE

OCT - 1 2004

AC 04-41

STATE OF ILLINOIS
Pollution Control Board

Respondent.

THIS FILING SUBMITTED ON RECYCLED PAPER

RECEIVED
CLERK'S OFFICE
OCT - 1 2004
STATE OF ILLINOIS
Pollution Control Board

(IEPA No. 15-04-AC)

1. On December 29, 2003, Jan Mier, an Environmental Protection Specialist for the Illinois EPA's Springfield Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at 766 North 550th Avenue, Quincy, Adams County, Illinois, and is designated with Illinois EPA Site Code No. 0018075006.

2. On or about January 27, 2004, the Illinois EPA served the Respondent with Administrative Citation No. 15-04-AC, alleging therein that the Respondent had caused or allowed open dumping at her facility on December 29, 2003, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002).

3. On or about March 1, 2004, the Respondent filed a Petition for Review contesting the administrative citation.

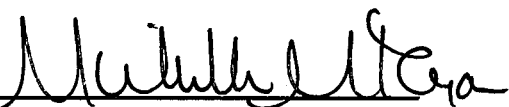
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent admits that she caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2002), and 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 in twelve monthly installments of \$125.00, commencing on September 30, 2004, and continuing the last of each month thereafter until paid.
- 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. The Illinois EPA agrees not to refer the violations that are the subject of this administrative citation to the Office of the Illinois Attorney General or any other prosecuting authority for the initiation of a criminal or civil enforcement action.
- f. Respondent's Petition for Review filed with the Board on or about March 1, 2004, shall be dismissed.

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

BY:  DATE: 9/28/04
Michelle M. Ryan
Special Assistant Attorney General
1021 North Grand Avenue East
Springfield, IL 62702-4059
(217) 782-5544

-AND-

Respondent,

 DATE:
CHERYL CLAYTON

PROOF OF SERVICE

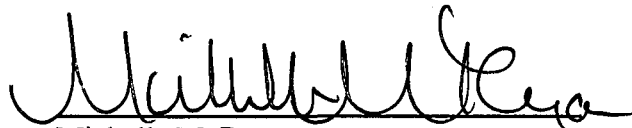
I hereby certify that I did on the 29th day of September 2004, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR REVIEW

To: Cheryl Clayton
3300 Locust
Quincy, Illinois 62301

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 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
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544