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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

TROY WILLIAMSON and SWORDS  
VENEER AND LUMBER COMPANY,

Respondents.

AC 04-34

(IEPA No. 723-03-AC)

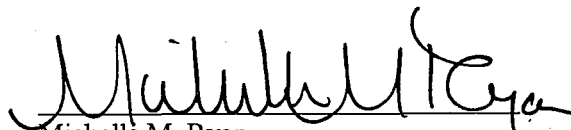
NOTICE OF FILING

To: Anne P. Walters  
Katz, Huntoon & Fieweger, P.C.  
1000 36<sup>th</sup> Avenue  
Moline, Illinois 61264-7126

Troy Williamson  
19022 Buysse Road  
Coal Valley, Illinois 61240

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW.

Respectfully submitted,



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

Dated: November 15, 2004

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(IEPA No. 723-03-AC)

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

NOW COMES the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorney, Michelle M. Ryan, and the Respondent, TROY WILLIAMSON, *pro se*, and the Respondent SWORDS VENEER AND LUMBER COMPANY, by and through its attorney, Anne P. Walters, (collectively, "Respondents"), 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 101.500 and 103.300 of the Illinois Pollution Control Board's ("Board") Rules and Regulations, 35 Ill. Adm. Code 101.500 and 103.300, 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 November 5, 2003, Jeff Port, an Environmental Protection Specialist for the Illinois EPA's BOL-Peoria Regional Office, conducted an inspection of a facility owned and operated by the Respondent Troy Williamson. The facility is located at the intersection of Schaffer

*W*

Creek and County Road 1900 North (Schroeder Road) in rural Henry County near Coal Valley, Illinois, and is designated with Illinois EPA Site Code No. 0738075002.

2. On or about December 31, 2003, the Illinois EPA served the Respondents with Administrative Citation No. 723-03-AC, alleging therein that the Respondents had caused or allowed open dumping at the above-named facility on November 5, 2003, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002); (2) deposition of waste in standing or flowing waters, a violation of 415 ILCS 5/21(p)(4); and (3) deposition of general and/or clean construction or demolition debris, a violation of 415 ILCS 5/21(p)(7).

3. On or about January 21 and 27, respectively, the Respondents filed Petitions for Review contesting the administrative citation.

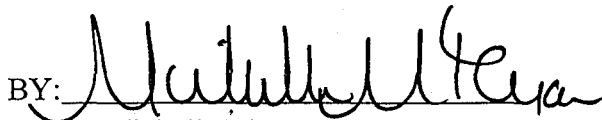
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondents neither admit nor deny that they caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2002), but, in an effort to avoid litigation in this matter, agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2002).
- b. Respondents jointly agree to pay the statutory civil penalty within thirty (30) days of entry of the final order in this case.

- c. Respondents agree to diligently comply with 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. Respondents' Petitions for Review filed with the Board on or about January 21 and 27, 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,

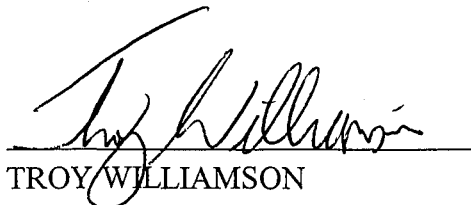
BY: 

Michelle M. Ryan  
Special Assistant Attorney General  
1021 North Grand Avenue East  
Springfield, IL 62702-4059  
(217) 782-5544

DATE: 11/15/04

-AND-

Respondent,

  
TROY WILLIAMSON

DATE: 11-25-04

-AND-

SWORDS VENEER AND LUMBER COMPANY, Respondent,

BY: *Peter Windmoeller*  
PETER WINDMOELLER  
Operations Manager

DATE: *Oct/23/04*

## PROOF OF SERVICE

I hereby certify that I did on the 15<sup>th</sup> day of November 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 ADMINISTRATIVE REVIEW

To: Anne P. Walters  
Katz, Huntoon & Fieweger, P.C.  
1000 36<sup>th</sup> Avenue  
Moline, Illinois 61264-7126

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Troy Williamson  
19022 Buysse Road  
Coal Valley, Illinois 61240

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  
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