

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO	)	
DEPARTMENT OF ENVIRONMENT,	)	
	)	
Complainant,	)	
v.	)	AC 04-79
	)	
NATIONAL MATERIAL	)	
LIMITED PARTNERSHIP,	)	
	)	
Respondent.	)	

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**JUN 22 2005**  
STATE OF ILLINOIS  
Pollution Control Board

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

The Complainant, the City of Chicago Department of Environment ("CDOE"), by its attorney, Mara S. Georges, Corporation Counsel, and the Respondent, National Material Limited Partnership ("NMLP"), by its attorney, Edward V. Walsh, III, hereby enter into this "Stipulation of Settlement and Dismissal of Respondent's Petition for Administrative Review" ("Agreement"), and request that the Board enter an order consistent with the terms of this Agreement. In support of this request, the parties respectfully state as follows:

1. On March 29, 2004, Stanley Kaehler, a CDOE inspector, conducted an inspection of a facility owned by NMLP. The facility is located at 130th Street and Stony Island Avenue in Chicago, Cook County, Illinois.
2. On or about May 18, 2004, CDOE served NMLP with an administrative citation, alleging therein that NMLP had caused or allowed open dumping at its facility, in a manner which resulted in the following occurrences: (1) deposition of waste in standing or flowing waters, in violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (the "first alleged violation"); and (2) standing or flowing liquid discharge from the dump site, in violation of Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (the "second alleged violation").

3. On or about June 22, 2004, NMLP filed a Petition for Review contesting the administrative citation.

4. In an effort to resolve this matter without the need for a hearing, and as a full and final resolution of the matters addressed in this administrative citation, 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. NMLP admits that it caused or allowed open dumping resulting in deposition of waste in standing or flowing waters, in violation of 415 ILCS 5/21(p)(4), and agrees to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5). NMLP makes no other admission of any fact or circumstance in connection with this matter.
- b. NMLP agrees to pay the statutory civil penalty within thirty (30) days of entry of the final order in this case.
- c. NMLP agrees to diligently comply with, and shall cease and desist from further violation of, the Act, 415 ILCS 5/1 et seq., and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. In consideration of NMLP's admission of the violation of 415 ILCS 5/21(p)(4) and agreement to pay the penalty, CDOE agrees to dismiss its citation with respect to the second alleged violation pertaining to 415 ILCS 5/21(p)(6).
- e. Contingent upon the Board's acceptance and adoption of the terms and conditions of this Agreement, NMLP's petition for review shall be dismissed.

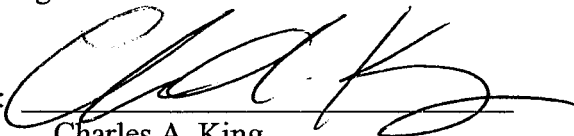
WHEREFORE, the parties request that the Board accept this Agreement and issue an order consistent with its terms and conditions.

Respectfully submitted,

CHICAGO DEPARTMENT OF  
ENVIRONMENT

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