

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 16 2009

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
KEISTER'S, INC., )  
 )  
Respondent. )

AC 08-29

(IEPA No. 65-08-AC)

NOTICE OF FILING

To: Ronald D. Stombaugh, Esq.  
1025 East Broadway  
P.O. Box 766  
Monmouth, Illinois 61462

PLEASE TAKE NOTICE that on this date I filed 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  
Assistant Counsel

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

Dated: January 13, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 16 2009

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 08-29
	)	
v.	)	(IEPA No. 65-08-AC)
	)	
KEISTER'S, INC., an Illinois corporation,	)	
	)	
Respondent.	)	

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, Special Assistant Attorney General Michelle M. Ryan, and the Respondent, KEISTER'S, INC. ("Respondent"), by and through its attorney, Ronald Stombaugh, Esq., 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) (2006), and Section 103.180 of the Illinois Pollution Control Board's ("Board") Rules and Regulations, 35 Ill. Adm. Code 103.180, 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 March 11, 2008, Jeb McGhee, an Environmental Protection Specialist for the Illinois EPA's Peoria Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at 1348 South Main, Monmouth, Warren County, Illinois, and is designated with Illinois EPA Site Code No. 1878080002.

2. On or about May 5, 2008, the Illinois EPA served the Respondents with Administrative Citation No. 65-08-AC, alleging therein that the Respondent had caused or allowed open dumping at its facility on March 11, 2008, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2006); and (2) open burning, a violation of 415 ILCS 5/21(p)(3) (2006).

3. On or about May 29, 2008, the Respondent filed a Petition for Review contesting the administrative citation.

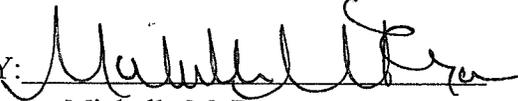
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent admits that it caused or allowed open dumping resulting in open burning, a violation of 415 ILCS 5/21(p)(3) (2006), and agrees to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2006).
- b. Respondents agree to pay the statutory civil penalty within 30 days of the date of the Board's order accepting this stipulation.
- c. Respondents agree to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2006), 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 civil enforcement action.
- f. Respondent's Petition for Review filed with the Board on or about May 29, 2008, shall be dismissed.

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

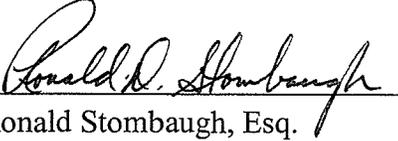
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

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

DATE: 1/13/09

-AND-

KEISTER'S, INC., Respondent,

BY:   
Ronald Stombaugh, Esq.  
1025 East Broadway  
Monmouth, IL 61462

DATE: January 7, 2009.

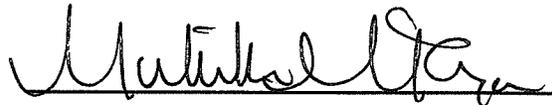
**PROOF OF SERVICE**

I hereby certify that I did on the 13<sup>th</sup> day of January, 2009, 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: Ronald D. Stombaugh, Esq.  
1025 East Broadway  
P.O. Box 766  
Monmouth, Illinois 61462

and the original and nine (9) copies of the same foregoing instrument on the same date via U.S. Mail

To: John Therriault, Acting Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601



Michelle M. Ryan  
Assistant Counsel

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