

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

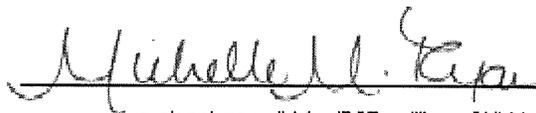
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 09-47
)	
v.)	(IEPA No. 82-09-AC)
)	
D & B REFUSE SERVICE, INC., and)	
STEVE LOVEALL,)	
)	
Respondents.)	

NOTICE OF FILING

To: Fred Prillaman, Esq.
Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza
Springfield, Illinois 62701

PLEASE TAKE NOTICE that on this date I electronically 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 RESPONDENTS' PETITION FOR REVIEW.

Respectfully Submitted,



e-signature valid for IPCB e-filings ONLY

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: January 16, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 09-47
)	
v.)	(IEPA No. 82-09-AC)
)	
D & B REFUSE SERVICE, INC., and STEVE LOVEALL,)	
)	
Respondents.)	

STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENTS' PETITION FOR ADMINISTRATIVE REVIEW

NOW COMES the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorney, Michelle M. Ryan, and the Respondents, D & B REFUSE SERVICE, INC. and STEVE LOVEALL ("Respondents"), by and through their attorney, Fred Prillaman, Esq., Mohan, Alewelt, Prillaman & Adami, 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) (2010), 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 RESPONDENTS' PETITION FOR ADMINISTRATIVE REVIEW ("Agreement"), and in support hereof, the parties respectfully state as follows:

1. On April 15, 2009, Ronald McCormick of the Illinois EPA's Springfield Office, conducted a record review concerning a facility owned and operated by the Respondents. The facility is located at 8 Bayhill Drive, Sullivan, Moultrie County, Illinois, and is designated with Illinois EPA Site Code No. 1390300001.

2. On or about May 23, 2009, the Illinois EPA served the Respondents with Administrative Citation No. 82-09-AC, alleging therein that the Respondents had conducted a sanitary landfill operation on April 15, 2009, in a manner which resulted in the failure to submit a cost estimate or any performance bond or other security for the site as required by the Act and underlying rules, a violation of 415 ILCS 5/21(o)(13) (2006).

3. On or about June 26, 2009, Respondents filed a Petition for Review contesting the administrative citation.

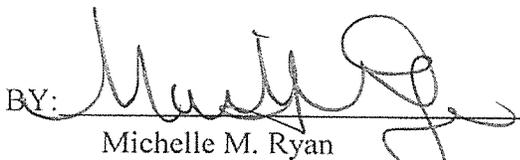
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. The landfill that was the subject of this Administrative Citation was certified as closed on October 8, 1994, and has since completed all post-closure care requirements other than a minimum of four (4) consecutive quarters of remaining groundwater monitoring that is the subject of the Supplemental Permit issued by the Illinois EPA on March 1, 2012, and is otherwise in general compliance.
- b. Respondent admits that in October of 2008, it submitted a letter of credit to the Illinois EPA that was incomplete, a violation of 415 ILCS 5/21(o)(13) (2006), and agrees to pay the statutory civil penalty of \$500 pursuant to 415 ILCS 5/42(b)(4) (2006).
- c. Respondent's current cost estimate for post-closure care is \$18,070.
- d. Respondent agrees to pay the statutory civil penalty, and to post with the Illinois EPA post-closure financial assurance in the sum of \$18,070 on the form appearing as Exhibit A hereto, all within thirty (30) days of the date of the Board's Order accepting this stipulation.

- e. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2010), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- f. 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.
- g. Respondent's Petition for Review filed with the Board on or about June 26, 2009, 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: 1/16/13

-AND-

D & B REFUSE SERVICE, INC., Respondent,

D & B Refuse Service, Inc.

BY: 

DATE: 12/10/12

-AND-

STEVE LOVEALL, Respondent

BY: 

DATE: 12/10/12

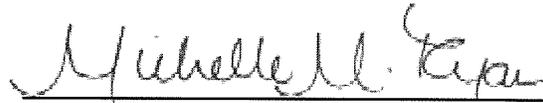
PROOF OF SERVICE

I hereby certify that I did on the 16th day of January, 2013, 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 RESPONDENTS' PETITION FOR REVIEW

To: Fred Prillaman, Esq.
Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza
Springfield, Illinois 62701

and an electronic copy of the same foregoing instrument on the same date via electronic filing

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



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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