

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

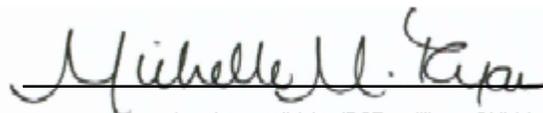
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 10-12
	)	
v.	)	(IEPA No. 336-09-AC)
	)	
LANDERS' CHILDREN FAMILY, LLC,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: Michael J. Costello  
Costello Law Office  
820 South Second Street  
Springfield, Illinois 62704

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: February 7, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 10-12
	)	
v.	)	(IEPA No. 339-09-AC)
	)	
LANDERS' CHILDREN FAMILY, LLC,	)	
	)	
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, Michelle M. Ryan, and the Respondent, LANDERS' CHILDREN FAMILY, LLC, ("Respondent"), by and through its attorney, Michael J. Costello, 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, and 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 25, 2009, Paul Eisenbrandt, an Environmental Protection Specialist for the Illinois EPA's Springfield Regional Office, conducted an inspection of a facility owned and

operated by the Respondents. The facility is located on the west side of Bab Road north east of Auburn, Sangamon County, Illinois, and is designated with Illinois EPA Site Code No. 1678005010.

2. On or about January 21, 2010, the Illinois EPA served the Respondent with Administrative Citation No. 336-09-AC, alleging therein that the Respondent had caused or allowed open dumping at its facility on November 25, 2009, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2008); (2) deposition of construction and/or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2008); and (3) water accumulation in waste tires, a violation of 415 ILCS 5/55(k)(1) (2008).

3. On or about February 11, 2010, 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 litter, a violation of 415 ILCS 5/21(p)(1) (2008), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2008).
- b. Respondents agree to pay the statutory civil penalty within 30 days of the date of the Board's order accepting this stipulation by check drawn on its attorney's client trust account.
- c. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et*

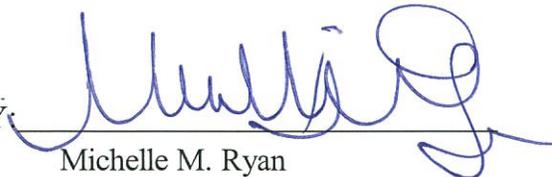
*seq.* (2010), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.

- 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 February 11, 2010, 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:



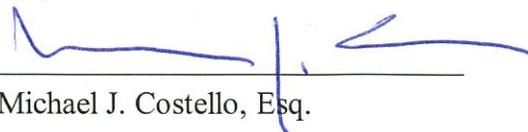
Michelle M. Ryan  
Special Assistant Attorney General  
1021 North Grand Avenue East  
Springfield, IL 62702-4059  
(217) 782-5544

DATE: 2/7/13

-AND-

LANDERS CHILDREN FAMILY, LLC, Respondent,

BY:



Michael J. Costello, Esq.

DATE:

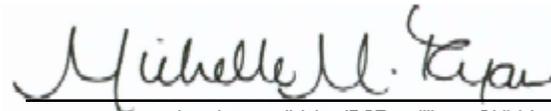
**PROOF OF SERVICE**

I hereby certify that I did on the 7<sup>th</sup> day of February, 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: Michael J. Costello  
Costello Law Office  
820 South Second Street  
Springfield, Illinois 62704

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

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