

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB AC 14-54
	)	(Administrative Citation)
BRIAN AND TINA PAGE,	)	
	)	
Respondents.	)	

**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 Scott B. Sievers, and the Respondents, BRIAN PAGE and TINA PAGE, by and through their attorney, Michael T. Mahoney, 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 May 19, 2014, Jeff Port of Illinois EPA's Peoria Regional Office inspected a site owned and operated by the Respondents. The site is located just west of the intersection of Fantasy Lane and Hampton Road near Chillicothe, Marshall County, Illinois, and is designated with Illinois EPA Site Code No. 1238065002.

2. As a result of the aforementioned inspection, Illinois EPA served the Respondents on June 26, 2014 with Administrative Citation No. 159-14-AC, alleging therein that the Respondents had caused or allowed open dumping at the facility on May 19, 2014 in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2010); and (2) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2010).

3. On July 21, 2014, the Respondents filed their 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. Respondents admit that they caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2010), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2010).
- b. Respondents agree 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.
- c. The waste located at the site that was the subject of this administrative citation has been removed and properly disposed of.
- d. Illinois EPA agrees to the dismissal of Count II of the Administrative Citation alleging violation of 415 ILCS 5/21(p)(1)(7).

- e. 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. Respondents' Petition for Review filed with the Board on or about July 21, 2014, shall be dismissed.

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

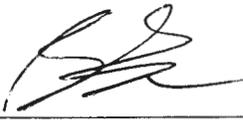
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

BY:   
\_\_\_\_\_  
Scott B. Sievers  
Special Assistant Attorney General  
1021 North Grand Avenue East  
Springfield, IL 62702-4059  
(217) 782-5544

DATE: 12/01/2014, 2014

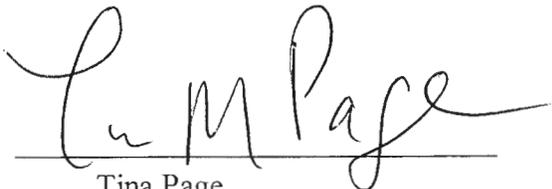
-AND-

BRIAN PAGE,

  
\_\_\_\_\_  
Brian Page

DATE: 11/22/2014, 2014

TINA PAGE,

  
\_\_\_\_\_  
Tina Page

DATE: 11/22/2014, 2014

**Illinois Environmental Protection Agency v. Brian and Tina Page**  
**Pollution Control Board No. AC 14-54**

**CERTIFICATE OF SERVICE**

Scott B. Sievers, Special Assistant Attorney General, herein certifies that he has served a copy of the foregoing **STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW** upon:

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274

Michael T. Mahoney  
Attorney for Respondents  
Michael T. Mahoney, Ltd.  
1011 N. Second Street  
P.O. Box 295  
Chillicothe, IL 61523

by mailing true copies thereof to the addresses referred to above in envelopes duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois, on December 1, 2014.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Dated: December 1, 2014

Scott B. Sievers  
Attorney Registration No. 6275924  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Complainant,

BY:



Scott B. Sievers  
Special Assistant Attorney General