

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

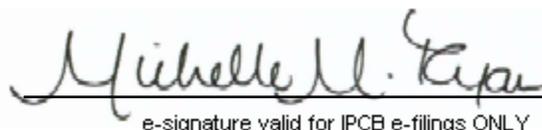
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2011-016
)	
v.)	(IEPA No. 322-10-AC)
)	
PHILLIP NEWELL,)	
)	
Respondent.)	

NOTICE OF FILING

To: Phillip Newell
11122 Cedar Grove Road
Marion, IL 92959

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 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 20, 2015

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2011-016
)	
v.)	(IEPA No. 322-10-AC)
)	
PHILLIP NEWELL,)	
)	
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 PHILLIP NEWELL ("Respondent"), 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) (2012), 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, and in support hereof, the parties respectfully state as follows:

1. On October 28, 2010, Maggie Stevenson, an Environmental Protection Specialist for the Illinois EPA's Marion Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at 11038 Cedar Grove, rural Marion, Williamson County, Illinois, and is designated with Site Code No. 1998625012.

2. On or about December 17, 2010, the Illinois EPA served the Respondent with Administrative Citation No. 219-12-AC, alleging therein that the Respondent had caused or

allowed open dumping at the facility on October 28, 2010, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2012); (2) open burning, a violation of 415 ILCS 5/21(p)(3) (2012); and (3) deposition of construction and/or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2012).

3. On or about January 19, 2011, 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 to open dumping resulting in litter at the facility (in violation of 415 ILCS 5/21(p)(1)) (2012)) and agrees to pay the statutory civil penalty of \$1,500.00 for this violation pursuant to 415 ILCS 5/42(b)(4-5) (2012).
- b. Respondent agrees to pay the statutory civil penalty in \$500 installments, beginning 30 days from the date of the Board's order accepting this stipulation and continuing monthly until paid in full. In the event that a payment is late or missed, the entire balance due will become immediately due and owing.
- c. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2012), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. The violations observed during the October 28, 2010 inspection are not continuing at this time.
- 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 January 19, 2011, 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,

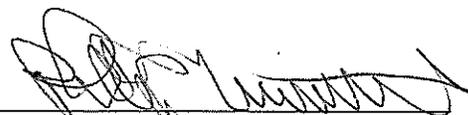
BY: 

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

DATE: 11/20/15

-AND-

Respondent,



Phillip Newell

DATE: 11-26-14

PROOF OF SERVICE

I hereby certify that I did on the 20th day of January, 2015, 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 REVIEW

To: Phillip Newell
11122 Cedar Grove Road
Marion, IL 92959

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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