

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

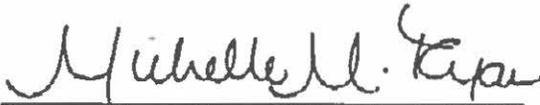
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2014-050
)	
v.)	(IEPA No. 129-14-AC)
)	
CRAIG S. WALKER and WALKER &)	
SONS ENTERPRISES, LTD.,)	
Respondents.)	

NOTICE OF FILING

To: Roger E. Holzgrafe, Esq.
Westervelt, Johnson, Nicoll & Keller LLC
411 Hamilton Blvd, 14th Floor
Peoria, Illinois 61602

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 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: March 23, 2016

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
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Complainant,)	AC 2014-050
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v.)	(IEPA No. 129-14-AC)
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CRAIG S. WALKER AND WALKER &)	
SONS ENTERPRISES, LTD.,)	
)	
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 Respondent CRAIG S. WALKER ("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) (2014), 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 April 17, 2014, Gerald 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 421 East Moneta Street, Peoria Heights, Peoria County, Illinois, and is designated with Site Code No. 1430703003.
2. On or about June 10, 2014, the Illinois EPA served the Respondents with Administrative Citation No. 129-14-AC, alleging therein that the Respondents had caused or

allowed the following activities to occur at the facility on April 17, 2014, in a manner which resulted in the following occurrences: (1) open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1); (2) open dumping resulting in deposition of demolition or construction debris, a violation of 415 ILCS 5/21(p)(7); and (3) accumulation of water in used tires, a violation of 415 ILCS 5/55(k)(1).

3. On or about July 14, 2014, Respondents filed a Petition for Review contesting the administrative citation.

4. Respondent Craig S. Walker ("Respondent") died January 19, 2015.

5. Prior to Respondent's death the parties engaged in settlement negotiations in an effort to resolve this matter without the need for a hearing, and achieved a settlement agreement that was not reduced to writing.

6. Respondent's Estate is being probated in the Circuit Court of the Tenth Circuit of Illinois as Case No. 15-P-75, wherein Matthew Walker has been appointed, and is continuing to serve, as Executor of Respondent's Estate.

7. The Executor wishes to implement the settlement terms reached by the Respondent prior to Respondent's death.

8. The Complainant has filed a timely claim in the amount of the statutory civil penalty in the Estate of the Respondent as a Class 6th Claim, being a debt due the State of Illinois, which claim has been allowed by the Estate.

9. Both parties, accordingly, tender the following settlement terms to the Board for approval.

- a. Respondent admits to open dumping resulting in litter at the facility (in violation of 415 ILCS 5/21(p)(1)) (2014) and agrees to pay the statutory civil penalty of \$1,500.00 for this violation pursuant to 415 ILCS 5/42(b)(4-5) (2014).
- b. The Estate agrees to pay the statutory civil penalty within 30 days from the date of the Board's order accepting this stipulation.
- c. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2014), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. The violations observed during the April 17, 2014 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. Respondents' Petition for Review filed with the Board on or about July 14, 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:



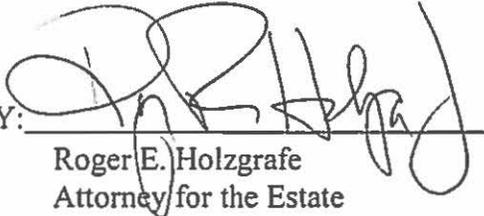
Michelle M. Ryan
Special Assistant Attorney General
1021 North Grand Avenue East
Springfield, IL 62702-4059
(217) 782-5544

DATE: 3/23/16

-AND-

ESTATE OF CRAIG S. WALKER, Deceased,
MATTHEW WALKER, Executor

BY:



Roger E. Holzgrafe
Attorney for the Estate

DATE: MARCH 22, 2016

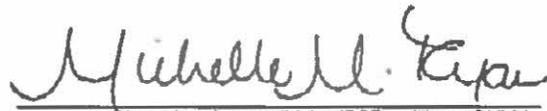
PROOF OF SERVICE

I hereby certify that I did on the 23rd day of March, 2016, 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: Roger E. Holzgrafe, Esq.
Westervelt, Johnson, Nicoll &
Keller LLC
411 Hamilton Blvd, 14th Floor
Peoria, Illinois 61602

and the original of the same foregoing instrument via electronic filing on the same date

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



Michelle M. Ryan
e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Special Assistant Attorney General

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