

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

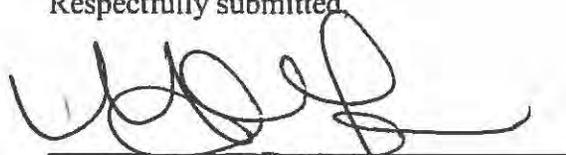
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2016-005
)	
v.)	(IEPA No. 333-15-AC)
)	
RONALD W. and SUSAN A. FALMIER,)	
)	
Respondents.)	

NOTICE OF FILING

To: Ronald and Susan Falmier
102 E Grand
Carterville, Illinois 62918

PLEASE TAKE NOTICE that on this date I mailed for filing 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 ADMINISTRATIVE REVIEW.

Respectfully submitted



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: December 8, 2016

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2016-005
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v.)	(IEPA No. 333-15-AC)
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RONALD W. and SUSAN A. FALMIER,)	
)	
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 RONALD W. and SUSAN A. FALMIER ("Respondents"), 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 RESPONDENTS' PETITION FOR ADMINISTRATIVE REVIEW, and in support hereof, the parties respectfully state as follows:

1. On September 24, 2015, Garrison Gross, an Environmental Protection Specialist for the Illinois EPA's Marion Regional Office, conducted an inspection of a facility owned and operated by the Respondents. The facility is located 206 Powell, Carterville, Williamson County, Illinois, and is designated with Site Code No. 1990155032.

2. On or about November 2, 2015, the Illinois EPA served the Respondents with Administrative Citation No. 333-15-AC, alleging therein that the Respondents had conducted activities at the facility on August 20, 2015, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2114); (2) open burning, a violation of 415 ILCS 5/21(p)(3); (3) proliferation of disease vectors, a violation of 415 ILCS 5/21(p)(5); and (4) accumulation of water in used tires, a violation of 415 ILCS 5/55(k)(1) (2014).

3. On or about January 14, 2016, Respondents filed an amended Petition for Review contesting the administrative citation.

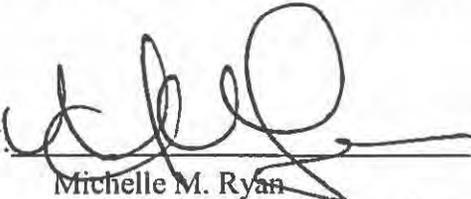
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondents admit to allowing the accumulation of water in used tires at the facility (in violation of 415 ILCS 5/55(k)(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. Respondents agree to pay the statutory civil penalty within 30 days from the date of the Board's order accepting this stipulation.
- c. Respondents agree 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 September 24, 2015 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' Amended Petition for Review filed with the Board on or about January 14, 2016, shall be dismissed.

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

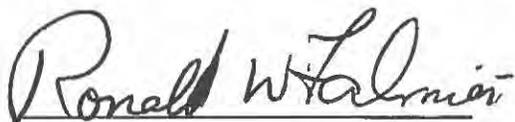
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

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

DATE: 12/7/16

-AND-

RONALD W. FALMIER, Respondent,


Ronald W. Falmier

DATE: 11-5-16

-AND-

SUSAN A. FALMIER, Respondent,

Susan Ann Falmier

DATE: ~~11-5-16~~ 11-5-16

PROOF OF SERVICE

I hereby certify that I did on the 8th day of December, 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 ADMINISTRATIVE REVIEW

To: Ronald and Susan Falmier
102 E Grand
Carterville, Illinois 62918

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



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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