

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2016-002
)	
v.)	(IEPA No. 306-15-AC)
)	
DAN PITNEY,)	
)	
Respondent.)	

NOTICE OF FILING

To: Dan Pitney
P.O. Box 231
Ashland City, TN 37015

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 RESPONDENT'S 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 2016-002
)	
v.)	(IEPA No. 306-15-AC)
)	
DAN PITNEY,)	
)	
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 DAN PITNEY ("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 August 20, 2015, Donna Shehane, an Environmental Protection Specialist for the Illinois EPA's Rockford Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located on Camp Elmwood Road, Rockford, Winnebago County, Illinois, and is designated with Site Code No. 2010306760.
2. On or about October 5, 2015, the Illinois EPA served the Respondent with Administrative Citation No. 306-15-AC, alleging therein that the Respondent 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) (2014); and (2) accumulation of water in used tires, a violation of 415 ILCS 5/55(k)(1) (2014).

3. On or about November 19, 2015, Respondent 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. Respondent admits 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. Respondent agrees to pay the statutory civil penalty in \$300 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.* (2014), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. The violations observed during the August 20, 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. Respondent's Petition for Review filed with the Board on or
about November 19, 2015, 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-

DAN PITNEY, Respondent,



DATE: 12-1-16

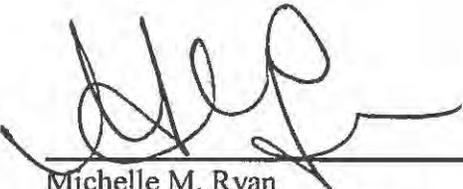
PROOF OF SERVICE

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: Dan Pitney
P.O. Box 231
Ashland City, TN 37015

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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