

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 01 2005

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

EQUIPPING THE SAINTS MINISTRY,
INTERNATIONAL, INC.,

Respondent.

AC 04-31

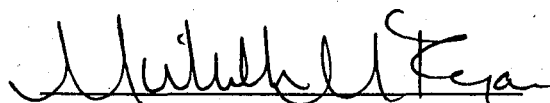
(IEPA No. 747-03-AC)

NOTICE OF FILING

To: Thomas J. Immel
Feldman, Wasser, Draper & Benson
1307 South Seventh Street
P.O. Box 2418
Springfield, Illinois 62705

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: January 27, 2005

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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, EQUIPPING THE SAINTS MINISTRY, INTERNATIONAL, INC. ("Respondent"), by and through its attorney, Thomas J. Immel, and 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) (2002), 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 ("Agreement"), and in support hereof, the parties respectfully state as follows:

1. On November 18, 2003, Steven Townsend, an Environmental Protection Specialist for the Illinois EPA's Springfield Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at 402 W. Loud Street, Virden, Macoupin County, Illinois, and is designated with Illinois EPA Site Code No. 1174105036.

2. On January 9, 2004, the Illinois EPA served the Respondent with Administrative Citation No. 747-03-AC, alleging therein that the Respondent had caused or allowed open dumping at its facility on November 18, 2003, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002); and (2) deposition of general and/or clean construction or demolition debris, a violation of 415 ILCS 5/21(p)(7).

3. On or about February 13, 2004, the Respondent filed a Petition for Review contesting the administrative citation, which was later supplemented by an Objection to Motion for Default Judgment filed on or about March 19, 2004.

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:

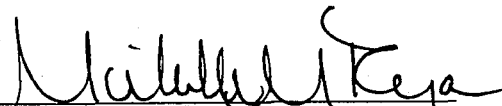
- a. Respondent does not admit that it caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2002). Nevertheless, in the interest of settlement, Respondent agrees to pay a civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2002).
- b. Respondent agrees to pay the statutory civil penalty in six monthly installments of \$250.00, commencing on February 1, 2005, and continuing the first of each month thereafter until paid. In the event that payments are not timely made, the entire remaining unpaid amount shall immediately become due and payable.
- c. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et*

seq. (2002), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.

- d. The waste located at the site that was the subject of this administrative citation has been removed and properly disposed of.
- 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 criminal or civil enforcement action.
- f. Respondent's Petition for Review filed with the Board on or about February 13, 2004 as supplemented by the Objection to Motion for Default Judgment, shall be dismissed.

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

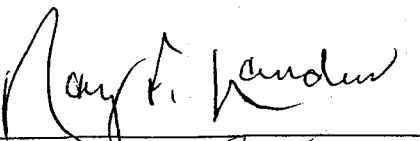
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

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

DATE: 1/27/05

-AND-

EQUIPPING THE SAINTS MINISTRY, INTERNATIONAL, INC., Respondent,

BY: 
✓ President

DATE: Jan 19 06

PROOF OF SERVICE

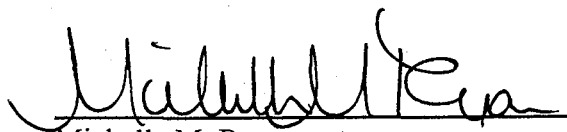
I hereby certify that I did on the 27th day of January, 2005 send by U.S. mail, postage prepaid, a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

To: Thomas J. Immel
Feldman, Wasser, Draper & Benson
1307 South Seventh Street
P.O. Box 2418
Springfield, Illinois 62705

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

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail with postage thereon fully prepaid

To: Dorothy Gunn, 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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