

RECEIVED  
CLERK'S OFFICE

APR 06 2005

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY, )

Complainant, )

v. )

EDWARD and BETTY JO CAIN and )  
EDWARD CAIN d/b/a CAIN ROOFING )  
COMPANY, )

Respondents. )

AC 05-07

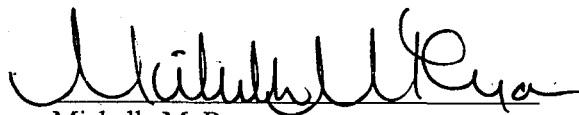
(IEPA No. 347-04-AC)

NOTICE OF FILING

To: Nolan C. Craver, Jr.  
Middleton, Craver & Keller  
P.O. Box 905  
Urbana, Illinois 61803-0905

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: April 4, 2005

RECEIVED  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APR 06 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Complainant, )  
)  
v. )  
)  
EDWARD and BETTY JO CAIN and )  
EDWARD CAIN d/b/a CAIN ROOFING )  
COMPANY, )  
)  
Respondents. )

AC 05-07

(IEPA No. 347-04-AC)

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 Respondents, EDWARD and BETTY JO CAIN and EDWARD CAIN d/b/a CAIN ROOFING COMPANY, ("Respondents"), by and through their attorney, Nolan C. Craver, Jr., 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 July 2, 2004, Kenneth Keigley, an Environmental Protection Specialist for the Illinois EPA's Champaign Regional Office, conducted an inspection of a facility owned and

operated by the Respondents. The facility is located at 1102 North County Road 900 N, Tolono, Champaign County, Illinois, and is designated with Illinois EPA Site Code No. 0191005010.

2. On or about December 24, 2003, the Illinois EPA served the Respondents with Administrative Citation No. 347-04-AC, alleging therein that the Respondents had caused or allowed open dumping at their facility on July 2, 2004, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002); (2) open burning, a violation of 415 ILCS 5/21(p)(3); and (3) deposition of general and/or clean construction or demolition debris, a violation of 415 ILCS 5/21(p)(7).

3. On or about August 4, 2004, the Respondents filed a Petition for Review contesting the administrative citation.

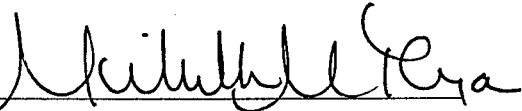
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondents admit that they caused or allowed open dumping resulting in open burning, a violation of 415 ILCS 5/21(p)(3) (2002), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2002).
- b. Respondents jointly agree to pay the statutory civil penalty within thirty (30) days of entry of the final order in this case.
- c. Respondents agree 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 August 4, 2004, 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,

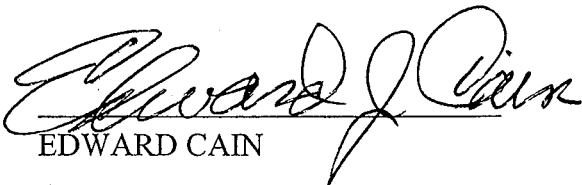
BY: 

DATE: 4/4/05

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

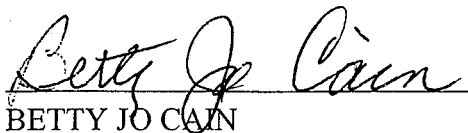
-AND-

Respondents,

  
EDWARD CAIN

DATE:

3-22-05

  
BETTY JO CAIN

DATE:

3-22-05

**PROOF OF SERVICE**

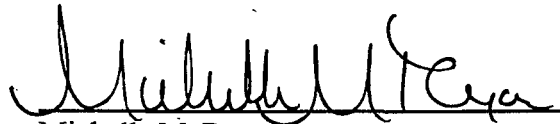
I hereby certify that I did on the 4<sup>th</sup> day of April 2005, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

To: Nolan C. Craver, Jr.  
Middleton, Craver & Keller  
P.O. Box 905  
Urbana, Illinois 61803-0905

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

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  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544