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MAR 01 2006

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
LEO and DEBRA HARN, )  
) )  
) )  
Respondents. )

AC 05-33

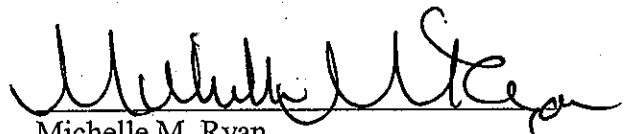
(IEPA No. 538-04-AC)

**NOTICE OF FILING**

To: Charles J. Thorbjornsen, Esq.  
2708 North Knoxville Ave.  
Peoria, Illinois 61604

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: February 22, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

LEO and DEBRA HARN,

Respondents.

AC 05-33

(IEPA No. 538-04-AC)

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, LEO HARN ("Respondent"), by and through his attorney, Charles Thorbjornsen, 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 RESPONDENTS' PETITION FOR ADMINISTRATIVE REVIEW ("Agreement"), and in support hereof, the parties respectfully state as follows:

1. On September 29, 2004, Robert Wagner, an Environmental Protection Specialist for the Illinois EPA's BOL-Peoria Regional Office, conducted an inspection of a facility owned and operated by the Respondents. The facility is located at 4960 Rockton Road, Roscoe, Winnebago County, Illinois, and is designated with Illinois EPA Site Code No. 2010405051.

2. On or about October 22, 2004, the Illinois EPA served the Respondents with Administrative Citation No. 538-04-AC, alleging therein that the Respondents had caused or allowed open dumping at their facility on September 29, 2004, 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 7, 2005, the Respondents filed an amended Petition for Review contesting the administrative citation.

4. ON July 20, 2005, Respondent Debra Harn passed away. Therefore, Leo Harn is the only remaining Respondent in this action.

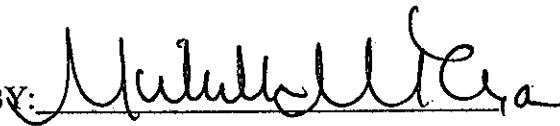
5. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent admits that he caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2002), and agree to pay the statutory 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 within 30 days of 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.* (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 civil enforcement action.
- f. Respondents' Petition for Review filed with the Board on or about November 18, 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: 2/22/06

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

-AND-

Respondents,

  
LEO HARN

DATE: 2-8-06

**PROOF OF SERVICE**

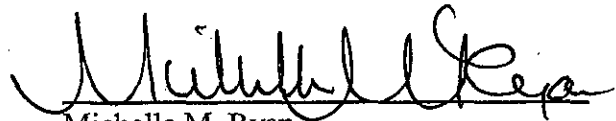
I hereby certify that I did on the 22<sup>nd</sup> day of February 2006, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

To: Charles J. Thorbjornsen, Esq.  
2708 North Knoxville Ave.  
Peoria, Illinois 61604

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

THIS FILING SUBMITTED ON RECYCLED PAPER