

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 01 2006

**STATE OF ILLINOIS
Pollution Control Board**

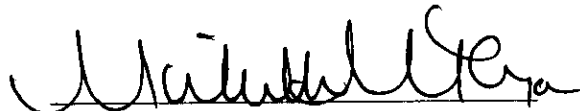
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 05-17
)	
v.)	(IEPA No. 349-04-AC)
)	
ROGER and JOAN MILLER,)	
)	
)	
Respondents.)	

NOTICE OF FILING

To: Jeffrey W. Tock
Harrington & Tock
Suite 601, Huntington Towers
201 West Springfield Ave.
Champaign, Illinois 61824

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 ADMNISTRATIVE 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: May 26, 2006

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
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Complainant,)	AC 05-17
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ROGER and JOAN MILLER,)	
)	
)	
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, ROGER and JOAN MILLER ("Respondents"), by and through their attorney, Jeffrey Tock, 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 June 16, 2004, Deanna Carlock, an Environmental Protection Specialist, and Richard Gerard, Regional Manager for the Bureau of land for the Illinois EPA's Rockford Regional Office, conducted an inspection of a facility owned and operated by the Respondents. The facility is located at 1409 S. Division Street, Mahomet, Champaign County, Illinois, and is designated with Illinois EPA Site Code No. 0198120001.

2. On or about August 12, 2004, the Illinois EPA served the Respondents with Administrative Citation No. 349-04-AC, alleging therein that the Respondents had caused or allowed open dumping at their facility on June 16, 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 September 13, 2004, the Respondents filed a Petition for Review contesting the administrative citation.

4. Subsequent to filing the Administrative Citation, it was determined that Joan Miller was no longer an owner of the property in question, and therefore was improperly named as a Respondent in this matter. Therefore, the parties have agreed that this Administrative Citation should be dismissed as to Respondent Joan Miller.

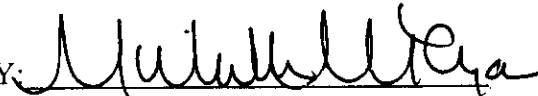
5. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent Roger Miller neither admits nor denies that he caused or allowed open dumping resulting in open burning, a violation of 415 ILCS 5/21(p)(3) (2002). However, in order to reach an amicable settlement of this matter, Respondent Roger Miller agrees to pay the statutory civil penalty of \$1,500.00 for this violation pursuant to 415 ILCS 5/42(b)(4-5) (2002).

- b. Respondent Roger Miller agrees to pay the statutory civil penalty within 30 days of the date of the Board's order accepting this stipulation.
- c. Respondent Roger Miller agrees to diligently comply with 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 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 September 13, 2004, shall be dismissed.

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

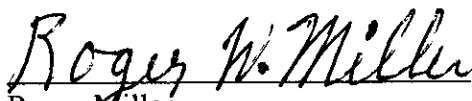
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

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

DATE: 5/26/06

-AND-

Respondent,


Roger Miller

DATE:

PROOF OF SERVICE

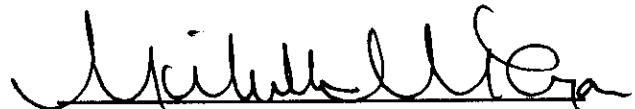
I hereby certify that I did on the 26th day of May 2006, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

To: Jeffrey W. Tock
Harrington & Tock
Suite 601, Huntington Towers
201 West Springfield Ave.
Champaign, Illinois 61824

Carol Webb
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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