

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

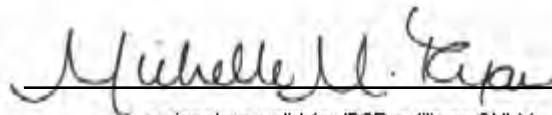
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 12-39
	)	
v.	)	(IEPA No. 78-12-AC)
	)	
CMH HOMES, INC. AND	)	
DAVID R. MOSER,	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

To: Jeffrey G. Howard  
Howard, Leggans, Piercy & Howard  
P.O. Box 1810  
Mt. Vernon, IL 62864

PLEASE TAKE NOTICE that on this date I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENTS' PETITION FOR REVIEW.

Respectfully Submitted,



e-signature valid for IPCB e-filings ONLY

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: September 27, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 12-39
	)	
v.	)	(IEPA No. 78-12-AC)
	)	
CMH HOMES, INC. AND	)	
DAVID R. MOSER,	)	
	)	
Respondents.	)	

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 Respondent, CMH HOMES, INC. ("Respondent"), by and through its attorney, Jeffrey G. Howard, Howard, Leggans, Piercy & Howard, 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) (2010), 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 March 13, 2012, Garrison Gross an Environmental Protection Specialist for the Illinois EPA's Marion Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at 1195 East Radio Tower Road, Mt. Vernon, Jefferson County, Illinois, and is designated with Illinois EPA Site Code No. 0818105002.

2. On or about April 5, 2012, the Illinois EPA served the Respondents with Administrative Citation No. 78-12-AC, alleging therein that the Respondents had caused or allowed open dumping at the facility on March 13, 2012, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2010); and (2) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2010).

3. On or about May 10, 2012, the Respondent 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. Respondent admits that it caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2010), and agrees to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2010).
- 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.* (2006), 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. Respondent's Petition for Review filed with the Board on or about May 10, 2012, shall be dismissed.

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

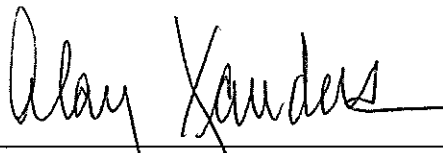
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

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

DATE: 9/5/12

-AND-

CMH HOMES, INC., Respondent,

BY:   
Alan Xanders  
[title] General Manager

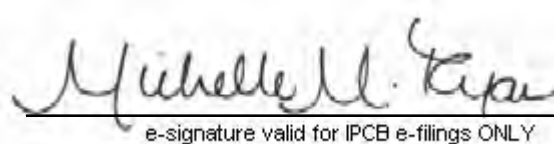
DATE: 8/29/12

I hereby certify that I did on the 27<sup>th</sup> day of September, 2012, 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 REVIEW

To: Jeffrey G. Howard  
Howard, Leggans, Piercy & Howard  
108 Main Street  
P.O. Box 1810  
Mt. Vernon, IL 62864

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



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
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