

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

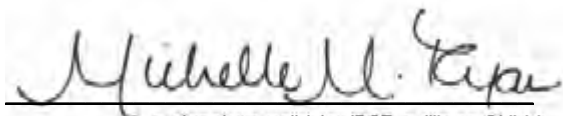
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 12-29
)	
v.)	(IEPA No. 5-12-AC)
)	
H & M SALVAGE & DISCOUNT CO.)	
and CARL HAGLER,)	
)	
Respondents.)	

NOTICE OF FILING

To: Richard L. Blake
Reed, Heller, Mansfield & Gross
1100 Walnut, P.O. Box 727
Murphysboro, IL 62966-0727

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 RESPONDENT'S 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: November 15, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 12-29
)	
v.)	(IEPA No. 5-12-AC)
)	
H & M SALVAGE & DISCOUNT CO. and)	
CARL HAGLER,)	
)	
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 the Respondents, H & M SALVAGE & DISCOUNT CO. and CARL HAGLER ("Respondents"), by and through their attorney, Richard Blake, Esq., Reed, Heller, Mansfield & Gross, 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 RESPONDENTS' PETITION FOR ADMINISTRATIVE REVIEW ("Agreement"), and in support hereof, the parties respectfully state as follows:

1. On December 1, 2012, Maggie Stevenson and Garrison Gross, Environmental Protection Specialists for the Illinois EPA's Marion Regional Office, conducted an inspection of a facility owned and operated by the Respondents. The facility is located at 313 U.S. Highway 51, in

rural DuQuoin, Perry County, Illinois, and is designated with Illinois EPA Site Code No. 1458115011.

2. On or about January 28, 2012, the Illinois EPA served the Respondents with Administrative Citation No. 5-12-AC, alleging therein that the Respondents had caused or allowed open dumping at the facility on December 1, 2012, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2010); (2) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2010); and (3) used tires not prevented from retaining water, a violation of 415 ILCS 5/55(k) (2010).

3. On or about February 24, 2012, 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 litter, a violation of 415 ILCS 5/21(p)(1) (2010), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2010).
- b. Respondents agree to pay the statutory civil penalty within 30 days of the date of the Board's order accepting this stipulation.
- c. Respondents agree to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2010), 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 February 24, 2012, shall be dismissed.

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

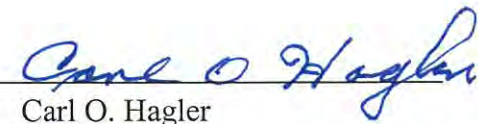
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

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

DATE: 11/14/12

-AND-

H & M SALVAGE & DISCOUNT CO. and
CARL HAGLER, Respondents,

BY: 
Carl O. Hagler
President

DATE: Mar 7-12

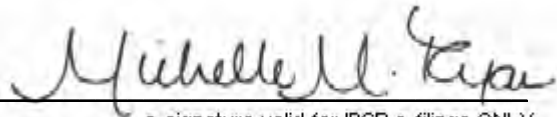
PROOF OF SERVICE

I hereby certify that I did on the 15th day of November, 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 RESPONDENT'S PETITION FOR REVIEW

To: Richard L. Blake
Reed, Heller, Mansfield & Gross
1100 Walnut, P.O. Box 727
Murphysboro, IL 62966-0727

and the original via electronic filing

To: John Therriault, Acting 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
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