

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
SHELBY AND SONS, INC.,)
)
Respondent.)

AC 12-20
(IEPA No. 386-11-AC)

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STATE OF ILLINOIS
Pollution Control Board

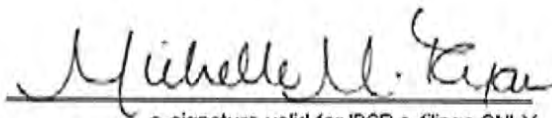
ORIGINAL

NOTICE OF FILING

To: D. Michael Riva, Ltd.
Attorney at Law
226 East Main Street
West Frankfort, IL 62896

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: October 31, 2013

and west sides of Route ³⁷~~27~~, Franklin County, Illinois, and is designated with Illinois EPA Site Code No. 0550705030.

2. On or about December 20, 2011, the Illinois EPA served the Respondent with Administrative Citation No. 386-11-AC, alleging therein that the Respondents had caused or allowed open dumping at the facility on October 25, 2011, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2010); (2) deposition of waste in standing or flowing water, a violation of 415 ILCS 5/21(p)(4) (2010); (3) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2010); and (4) used tires containing water, a violation of 415 ILCS 5/55(k)(1) (2010).

3. On or about January 24, 2012, 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 agree 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 from 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.* (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 January 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:  DATE: 10/31/13
Michelle M. Ryan
Special Assistant Attorney
General
1021 North Grand Avenue
East
Springfield, IL 62702-4059
(217) 782-5544

-AND-

SHELBY AND SONS, INC., Respondents,

BY:  DATE: 10-16-13
Robert Shelby, President

PROOF OF SERVICE

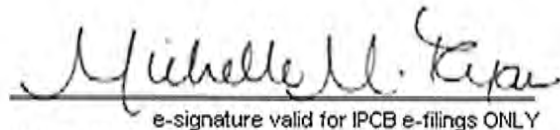
I hereby certify that I did on the 31st day of October, 2013, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENTS' PETITION FOR REVIEW

To: D. Michael Riva, Ltd.
Attorney at Law
226 East Main Street
West Frankfort, IL 62896

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

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Michelle M. Ryan
Special Assistant Attorney General

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