

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 27 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
INDUSTRIAL DEMOLITION, INC., )  
 )  
Respondent. )

AC 13-33

(IEPA No. 1-13-AC)

NOTICE OF FILING



ORIGINAL

To: Andy Scharf, Esq.  
606 N State St  
Litchfield, IL 62056

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 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 21, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
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(IEPA No. 1-13-AC)

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 Respondent INDUSTRIAL DEMOLITION, INC., ("Respondent"), by and through its attorney, Andy Scharf, 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) (2012), 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 November 28, 2012, Mark Weber, Environmental Protection Specialist for the Illinois EPA's Springfield Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at 21193 Sunrise View Lane, Staunton, Macoupin County, Illinois, and is designated with Illinois EPA Site Code No. 1171050009.

2. On or about January 24, 2013, the Illinois EPA served the Respondent with Administrative Citation No. 1-13-AC, alleging therein that the Respondent had caused or allowed open dumping at the facility on November 28, 2012, in a manner which resulted in the following occurrences: occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2012); and (2) open burning, a violation of 415 ILCS 5/21(p)(3) (2012).

3. On or about February 19, 2013, Respondent filed a Petition for Review contesting the administrative citation.

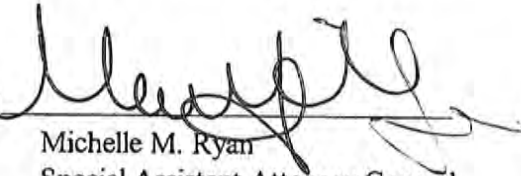
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent admits to causing or allowing open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2012), and agrees to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2012).
- 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.* (2010), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. The violations observed during the November 22, 2012 inspection are not continuing at this time.

- 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 19, 2013, 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: 5/6/14

-AND-

INDUSTRIAL DEMOLITION, INC., RESPONDENT,

BY:  DATE: 4/30/2014

**PROOF OF SERVICE**

I hereby certify that I did on the 21<sup>st</sup> day of May, 2014 deliver by U.S. Mail postage pre-paid the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR REVIEW

To: Andy Scharf, Esq.  
606 N State St  
Litchfield, IL 62056

**RECEIVED**  
CLERK'S OFFICE  
MAY 27 2014  
STATE OF ILLINOIS  
Pollution Control Board

and the original and nine (9) copies of the same foregoing instrument on the same date

To: John Therriault, 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  
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