

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
LOUIS K. NIEMEYER, )  
 )  
Respondent. )

AC 12-41

(IEPA No. 70-12-AC)

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CLERK'S OFFICE

JUL 15 2014

STATE OF ILLINOIS  
Pollution Control Board

**NOTICE OF FILING**



ORIGINAL

To: Patrick D. Shaw  
Mohan, Alewelt, Prillaman & Adami  
1 North Old State Capitol Plaza  
Springfield, IL 62701-1323

PLEASE TAKE NOTICE that on this date I 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,

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: July 10, 2014

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JUL 15 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
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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 LOUIS K. NIEMEYER ("Respondent"), by and through its attorneys, Mohan, Alewelt, Prillaman & Adami, 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 February 16, 2012, Jennifer O'Hearn, Environmental Protection Specialist for the Illinois EPA's Champaign Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at 1321 South 19th Street, Mattoon, Coles County, Illinois, and is designated with Illinois EPA Site Code No. 0298060004.

2. On or about April 6, 2012, the Illinois EPA served the Respondent with Administrative Citation No. 12-41-AC, alleging therein that the Respondent had caused or allowed open dumping at the facility on February 16, 2012, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2012); and (2) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2012).

3. On or about May 8, 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 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 February 16, 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 May 8, 2012, shall be dismissed.

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

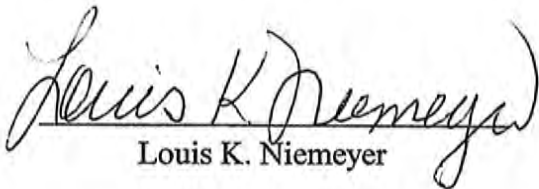
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

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

DATE: 7/9/14

-AND-

RESPONDENT,

  
Louis K. Niemeyer

DATE: 6-10-14

**PROOF OF SERVICE**

I hereby certify that I did on the 10<sup>th</sup> day of July, 2014, 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

**RECEIVED**  
CLERK'S OFFICE

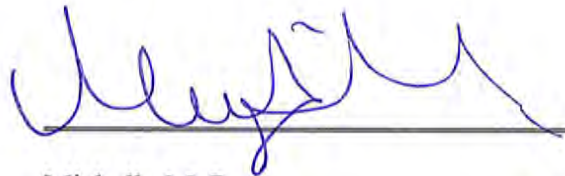
**JUL 15 2014**

STATE OF ILLINOIS  
Pollution Control Board

To: Patrick D. Shaw  
Mohan, Alewelt, Prillaman & Adami  
1 North Old State Capitol Plaza  
Springfield, IL 62701-1323

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  
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