

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

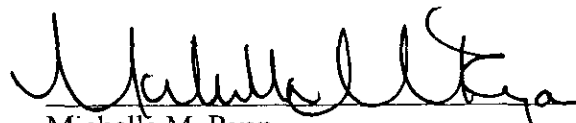
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 06-56
)	
v.)	(IEPA No. 128-06-AC)
)	
LAKE WILDWIND PARK, L.L.C.,)	
)	
)	
Respondent.)	

NOTICE OF FILING

To: Stephen T. Grossmark, Esq.
Tressler, Soderstrom, Maloney & Priess
233 S. Wacker Drive
Chicago, IL 60606-6399

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 RESPONDENTS' PETITION FOR ADMINISTRATIVE 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: December 5, 2006

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STATE OF ILLINOIS
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PROTECTION AGENCY,)	
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Complainant,)	AC 06-56
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LAKE WILDWIND PARK, L.L.C.,)	
)	
)	
Respondent.)	

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, LAKE WILDWIND PARK, L.L.C. ("Respondent"), by and through its attorney, Tressler, Soderstrom, Maloney & Priess, LLP, and 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) (2004), 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 May 4, 2006, Jeff Port, an Environmental Protection Specialist for the Illinois EPA's BOL-Peoria Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at 120 Hollyhock Lane, Woodford County, Illinois, and is designated with Illinois EPA Site Code No. 2038165008.

2. On or about June 24, 2006, the Illinois EPA served the Respondent with Administrative Citation No. 128-06-AC, alleging therein that the Respondent had caused or allowed open dumping at its facility on May 4, 2006, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002); and (2) open burning, a violation of 415 ILCS 5/21(p)(3).

3. On or about July 27, 2006, the Respondent filed a Petition for Review contesting the administrative citation.

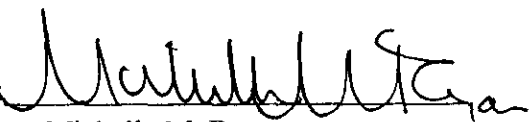
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent neither admits nor denies that it caused or allowed open dumping resulting in open burning, a violation of 415 ILCS 5/21(p)(3) (2004), but agrees to pay a settlement amount, in order to resolve this matter amicably of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2004).
- b. Respondent agrees to pay the settlement amount within 30 days of the date of the Board's order accepting this stipulation.
- c. Respondent agrees to comply with 415 ILCS 5/1 *et seq.* (2002), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. Based on information and belief, 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 alleged 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 July 27, 2006, 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,

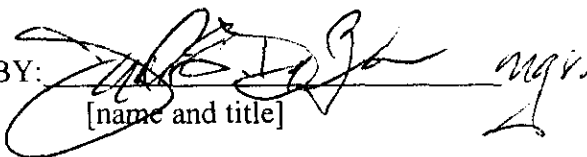
BY: 

DATE: 12/15/06

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

-AND-

LAKE WILDWIND PARK, L.L.C., Respondent,

BY: 
[name and title]

DATE: 11/16/06

PROOF OF SERVICE

I hereby certify that I did on the 5th day of December 2006, 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 ADMINISTRATIVE REVIEW

To: Stephen T. Grossmark, Esq. Tressler, Soderstrom, Maloney & Priess 233 S. Wacker Drive Chicago, IL 60606-6399	Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, Illinois 62794-9274
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and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail with postage thereon fully prepaid

To: Dorothy Gunn, 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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