

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 21 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JOHN A. & KAY E. OLDHAM,)
)
Respondent.)

AC 07-62

(IEPA No. 156-07-AC)

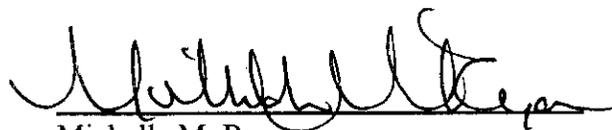
NOTICE OF FILING

To: Charles Y. Davis
Brown, Hay & Stephens, LLP
205 South 5th Street
Springfield, Illinois 62705

Carol Webb
Hearing Officer
Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62702

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 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: April 17, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Pollution Control Board

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
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Complainant,)	AC 07-62
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)	
JOHN A. & KAY E. OLDHAM,)	
)	
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, JOHN A. & KAY E. OLDHAM ("Respondents"), by and through their attorney, Charles Y. Davis of Brown, Hay & Stephens, LLP, 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) (2006), 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 April 19, 2007, Garrison Gross, an Environmental Protection Specialist 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 693 Oskaloosa Road in rural Xenia, Clay County, Illinois, and is designated with Illinois EPA Site Code No. 0258070001.

2. On or about May 23, 2007, the Illinois EPA served the Respondents with Administrative Citation No. 156-07-AC, alleging therein that the Respondents had caused or allowed open dumping at their facility on April 19, 2007, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2006); and (2) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2006).

3. On or about June 27, 2007, the Respondents filed a Petition for Review contesting the administrative citation.

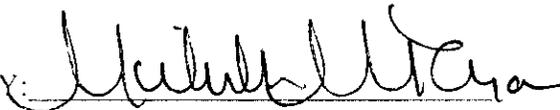
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondents admit that they caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2006), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2006).
- 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.* (2006), 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 June 27, 2007, 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,

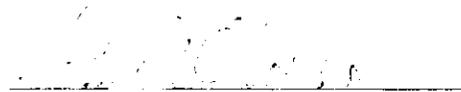
BY: 

DATE: 4/17/08

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

-AND-

Respondents,


JOHN A. OLDHAM

DATE: 3-31-08


KAY E. OLDHAM

DATE: 3-31-08

PROOF OF SERVICE

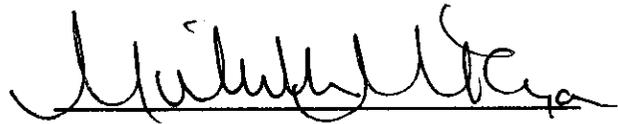
I hereby certify that I did on the 17th day of April, 2008, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENTS' PETITION FOR ADMINISTRATIVE REVIEW

To: Charles Y. Davis
Brown, Hay & Stephens, LLP
205 South 5th Street
Springfield, Illinois 62705

Carol Webb
Hearing Officer
Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62702

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

To: John Therriault, Acting 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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