

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
THE BLICKHAN FAMILY)
CORPORATION, INC. AND BLICK'S)
CONSTRUCTION, INC.,)

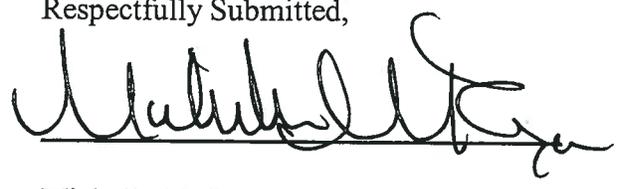
AC 09-43
(IEPA No. 79-09-AC)

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FEB , 1 2010
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Jon S. Faletto
Hinshaw & Culbertson, LLP
416 North Main Street
Suite 600
Peoria, Illinois 61602

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 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: January 29, 2010

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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Respondents.)

AC 09-43
(IEPA No. 79-09-AC)

STIPULATION OF SETTLEMENT AND DISMISSAL
OF RESPONDENTS' 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, THE BLICKHAN FMAILY CORPORATION, INC. and BLICK'S CONSTRUCTION, INC. ("Respondents"), by and through their attorney, Jon S. Faletto, Hinshaw & Culbertson, 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) (2008), 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 March 17, 2009, Paul Eisenbrandt an Environmental Protection Specialist for the Illinois EPA's Springfield Regional Office, conducted an inspection of a facility owned and

operated by the Respondents. The facility is located on Lock and Dam Road, Quincy, Adams County, Illinois, and is designated with Illinois EPA Site Code No. 0010650031.

2. On or about May 8, 2009, the Illinois EPA served the Respondents with Administrative Citation No. 79-09-AC, alleging therein that the Respondent had caused or allowed open dumping at its facility on March 17, 2009, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2008); and (2) open burning, a violation of 415 ILCS 5/21(p)(3) (2008).

3. On or about June 12, 2009, the Respondents filed a Petition for Review contesting the administrative citation.

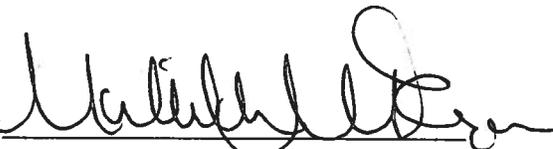
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondents admit that they caused or allowed open dumping resulting in open burning, a violation of 415 ILCS 5/21(p)(3) (2008), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2008).
- 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.* (2008), 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 criminal or civil enforcement action.
- f. Respondent's Petition for Review filed with the Board on or about June 12, 2009, shall be dismissed.

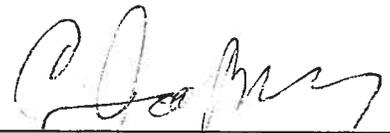
WHEREFORE, the parties request that the Board accept this Agreement and issue an order consistent with its terms and conditions.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

BY:  DATE: 1/28/10
Michelle M. Ryan
Special Assistant Attorney General
1021 North Grand Avenue East
Springfield, IL 62702-4059
(217) 782-5544

-AND-

THE BLICKHAN FAMILY CORPORATION, INC. and BLICK'S CONSTRUCTION, INC.,
Respondents,

BY:  DATE: 12-23-09
C. JOHN BLICKHAN

PROOF OF SERVICE

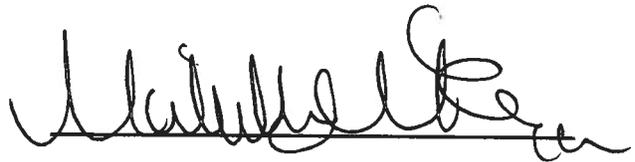
I hereby certify that I did on the 29th day of January, 2010, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENTS' PETITION FOR ADMINSTRATIVE REVIEW

To: Jon S. Faletto
Hinshaw & Culbertson, LLP
416 North Main Street
Suite 600
Peoria, Illinois 61602

Carol Webb, Hearing Officer
Pollution Control Board
P.O. Box 19274
1021 North Grand Avenue East
Springfield, Illinois 62794-9274

and the original and nine (9) copies of the same foregoing instrument on the same date U.S. Mail with postage thereon fully prepaid

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
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