

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 26 2010

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
CAROL G. PRIEB and MARGARET )  
DILLAVOU, )  
 )  
Respondents. )

AC 08-18

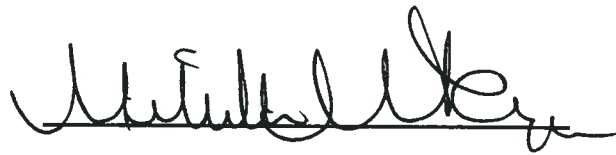
(IEPA No. 24-08-AC)

**NOTICE OF FILING**

To: Susan Burger, Esq.  
105 Willards Ferry Road  
Jonesboro, IL 62952

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 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: March 24, 2010

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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 Respondents, CAROL G. PRIEB and MARGARET DILLAVOU ("Respondents"), by and through their attorney, Susan Burger, 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 January 10, 2008, Sheila Williams, 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 405 Barkhausen Lane, Jonesboro, Union County, Illinois, and is designated with Illinois EPA Site Code No. 1818580001.

2. On or about February 27, 2008, the Illinois EPA served the Respondents with Administrative Citation No. 24-08-AC, alleging therein that the Respondents had caused or allowed open dumping at their facility on January 10, 2008, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2006); open burning, a violation of 415 ILCS 5/21(p)(3) (2006); and (2) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2006).

3. On or about April 2, 2008, the Respondents filed a Petition for Review contesting the administrative citation.

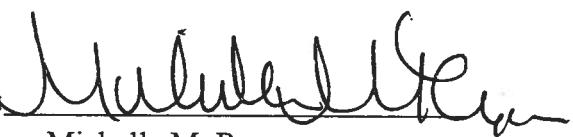
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondents admit that they caused or allowed open dumping resulting in the deposition of construction and demolition debris, a violation of 415 ILCS 5/21(p) (7) (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 April 2, 2008, shall be dismissed.

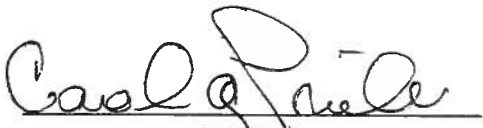
WHEREFORE, the parties request that the Board accept this Agreement and issue an order consistent with its terms and conditions.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

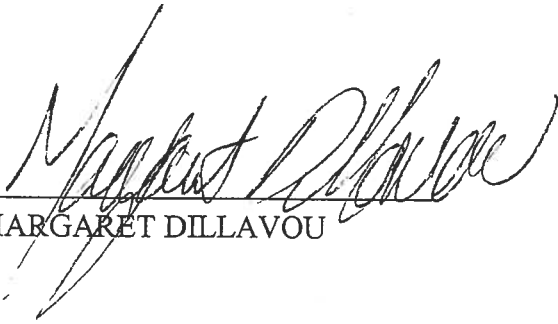
BY:  DATE: 3/24/10  
Michelle M. Ryan  
Special Assistant Attorney General  
1021 North Grand Avenue East  
Springfield, IL 62702-4059  
(217) 782-5544

-AND-

Respondents,

 DATE:  
CAROL G. PRIEB

-AND-

  
MARGARET DILLAVOU

DATE:

**PROOF OF SERVICE**

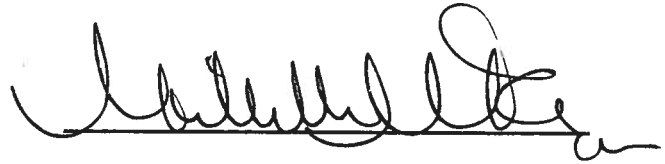
I hereby certify that I did on the 24<sup>th</sup> day of March, 2010, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENTS' PETITION FOR REVIEW

To: Susan Burger, Esq.  
105 Willards Ferry Road  
Jonesboro, IL 62952

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

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