

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

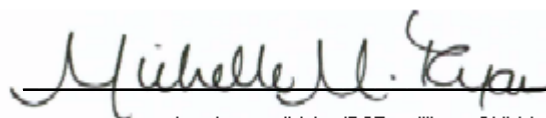
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 12-38
)	
v.)	(IEPA No. 63-12-AC)
)	
FUNK BUILDERS, INC.,)	
)	
Respondent.)	

NOTICE OF FILING

To: Janaki Nair
 Elias, Meginness, Riffle & Seghetti, P.C.
 416 Main Street, Suite 1400
 Peoria, Illinois 61602-1611

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,



e-signature valid for IPCB e-filings ONLY
 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 7, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 12-38
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v.)	(IEPA No. 63-12-AC)
)	
FUNK BUILDERS, INC.,)	
)	
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, FUNK BUILDERS, INC. ("Respondent"), 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) (2010), 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 8, 2012, Jeb McGhee, an Environmental Protection Specialist for the Illinois EPA's Peoria Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at vacant lots between 402 and 500 Jones Street, Kappa, Woodford County, Illinois, and is designated with Illinois EPA Site Code No. 2030300004.

2. On or about April 4, 2012, the Illinois EPA served the Respondent with Administrative Citation No. 63-12-AC, alleging therein that the Respondent had caused or allowed open dumping at the facility on February 8, 2012, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2010); (2) open burning, a violation of 415 ILCS 5/21(p)(3) (2010); and (3) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2010).

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. While Respondent does not admit that it caused or allowed open dumping resulting in litter, Respondent agrees to pay to the Illinois EPA the amount of \$1,500.00, which is the amount of the statutory civil penalty for violation of 415 ILCS 5/21(p)(1) (2010) pursuant to 415 ILCS 5/42(b)(4-5) (2010).
- b. Respondent agrees to pay the amount of \$1,500.00 within 30 days of the date of the Board's order accepting this stipulation.
- c. Respondent agrees to diligently comply with, and to not violate, 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 waste located at the site that was the subject of this administrative citation has been removed and properly

disposed of, which removal has been confirmed by the Illinois EPA.

- 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 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: 3/7/13

-AND-

FUNK BUILDERS, INC. Respondent,

BY:  _____

DATE: 2/21/2013

Print name: Roger Funk, its president

Its President

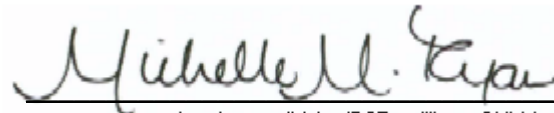
PROOF OF SERVICE

I hereby certify that I did on the 7th day of March, 2013, 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: Janaki Nair
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602-1611

and an electronic copy of the same foregoing instrument on the same date via electronic filing

To: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
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