

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 27 2015

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
AAD FAMILY FARMS, LLC, )  
 )  
Respondent. )

AC 2013-017

(IEPA No. 219-12-AC)

**NOTICE OF FILING**



ORIGINAL

To: Catherine E. Danz, Esq.  
AAD Family Farms, LLC  
3844 N. Paulina Street  
Chicago, IL 61613

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 RESPONDENT'S 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

February 25, 2015

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
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Complainant, )  
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STATE OF ILLINOIS  
Pollution Control Board

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 AAD Family Farms, LLC ("Respondent"), by and through its attorney, Catherine E. Danz, 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) (2012), 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, and in support hereof, the parties respectfully state as follows:

1. On August 16, 2012, James Jones, 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 1246 Upper Spring Bay Road, Spring Bay Township, Woodford County, Illinois, and is designated with Site Code No. 2038155011.

2. On or about September 27, 2012, the Illinois EPA served the Respondent with Administrative Citation No. 219-12-AC, alleging therein that the Respondent had caused or allowed open dumping at the facility on August 16, 2012, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2012); and (2) accumulation of water in tires, a violation of 415 ILCS 5/55(k)(1) (2012).

3. On or about November 1, 2012, Respondent filed a Petition for Review contesting the administrative citation.

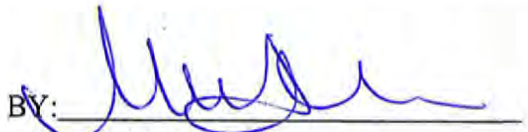
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent admits to open dumping resulting in litter at the facility (in violation of 415 ILCS 5/21(p)(1)) (2012)) and agrees to pay the statutory civil penalty of \$1,500.00 for this violation pursuant to 415 ILCS 5/42(b)(4-5) (2012).
- b. Respondent agrees to pay the statutory civil penalty in \$250 installments, beginning 30 days from the date of the Board's order accepting this stipulation and continuing monthly until paid in full. In the event that a payment is late or missed, the entire balance due will become immediately due and owing.
- c. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2012), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. The violations observed during the August 16, 2012 inspection are not continuing at this time.

- 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 November 1, 2012, shall be dismissed.

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

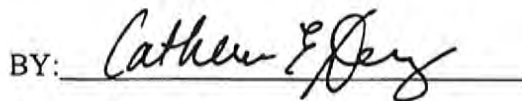
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

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

DATE: 2/25/15

-AND-

AAD FAMILY FARMS, LLC., Respondent,

BY: 

DATE: 1/22/2015



**PROOF OF SERVICE**

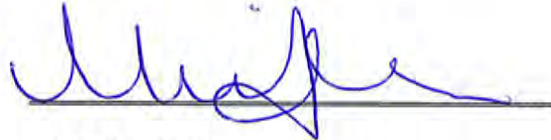
I hereby certify that I did on the 24<sup>th</sup> day of February, 2015, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR REVIEW

To: Catherine E. Danz, Esq.  
AAD Family Farms, LLC  
3844 N. Paulina Street  
Chicago, IL 61613

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Pollution Control Board

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

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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