

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

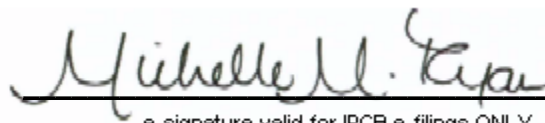
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2014-038
)	
v.)	(IEPA No. 51-14-AC)
)	
LONE OAK ENTERPRISES, INC. and)	
LOMAX & SONS CONSTRUCTION,)	
)	
Respondents.)	

NOTICE OF FILING

To: David L. Piercy
Howard, Leggans, Piercy & Howard LLP
1008 Main Street
P.O. Box 1810
Mt. Vernon, IL 62864

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,



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: January 20, 2015

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2014-038
)	
v.)	(IEPA No. 51-14-AC)
)	
LONE OAK ENTERPRISES, INC. and)	
LOMAX & SONS CONSTRUCTION,)	
)	
Respondents.)	

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 LONE OAK ENTERPRISES, INC. and LOMAX & SONS CONSTRUCTION, ("Respondents"), by and through their attorney, David L. Piercy, 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 RESPONDENTS' PETITION FOR ADMINISTRATIVE REVIEW, and in support hereof, the parties respectfully state as follows:

1. On January 31, 2014, Maggie Stevenson, 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 17247 East Illinois 142, Opdyke, Jefferson County, Illinois, and is designated with Site Code No. 0818110002.

2. On or about March 1, 2014, the Illinois EPA served the Respondents with Administrative Citation No. 51-14-AC, alleging therein that the Respondents had caused or allowed open dumping at the facility on January 31, 2014, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2012); (2) open burning, a violation of 415 ILCS 5/21(p)(3) (2012); (3) deposition of construction and/or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2012) and (4) accumulation of water in used tires, a violation of 415 ILCS 5/55(k)(1) (2012).

3. On or about April 1, 2014, 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 to open dumping resulting in litter at the facility (in violation of 415 ILCS 5/21(p)(1)) (2012)) and agree to pay the statutory civil penalty of \$1,500.00 for this violation pursuant to 415 ILCS 5/42(b)(4-5) (2012).
- 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.* (2012), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.

- d. The violations observed during the January 31, 2014 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. Respondents' Second Amended Petition for Review, filed with the Board on or about April 1, 2014, 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,

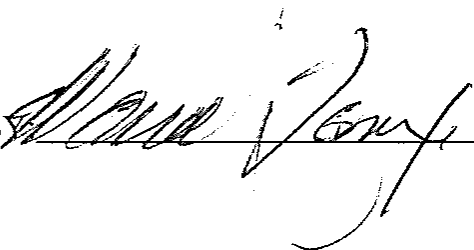
BY: 
Michelle M. Ryan
Special Assistant Attorney General
1021 North Grand Avenue East
Springfield, IL 62702-4059
(217) 782-5544

DATE: 1/20/15

-AND-

RESPONDENTS,

LONE OAK ENTERPRISES, INC.

BY: 

DATE: 12/8/14

LOMAX & SONS CONSTRUCTION

BY:  _____

DATE: 12/18/14

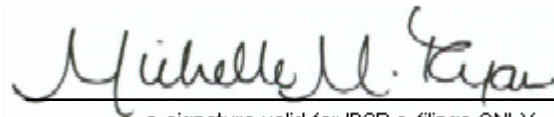
PROOF OF SERVICE

I hereby certify that I did on the 20th day of January, 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: David L. Piercy
Howard, Leggans, Piercy & Howard LLP
1008 Main Street
P.O. Box 1810
Mt. Vernon, IL 62864

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
(217) 782-5544