

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**FEB 03 2014**

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

STEVEN B. MEUSER & DEBORAH S.  
MEUSER and MEUSER CONSTRUCTION  
AND EXCAVATING, INC.,

Respondents.

AC 13-21

(IEPA No. 231-12-AC)

 **ORIGINAL**

**NOTICE OF FILING**

To: Ross Sorensen, Esq.  
Martensen & Niemann  
140 North Taft Street  
P.O. Box 146  
Paxton, Illinois 60957

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 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: January 30, 2014

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

v.

STEVEN B. MEUSER & DEBORAH S.  
MEUSER and MEUSER  
CONSTRUCTION AND EXCAVATING,  
INC.,

AC 13-21

(IEPA No. 231-12-AC)

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STATE OF ILLINOIS  
Pollution Control Board

NOW COMES the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its attorney, Michelle M. Ryan, and the Respondents, LEOTA HUMM, on her own behalf, and STEVEN B. MEUSER & DEBORAH S. MEUSER and MEUSER CONSTRUCTION AND EXCAVATING, INC., (“Respondents”), by and through their attorney, Ross Sorensen, Martensen and Niemann, 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 RESPONDENTS’ PETITION FOR ADMINISTRATIVE REVIEW (“Agreement”), and in support hereof, the parties respectfully state as follows:

1. On September 17, 2012, Mike Mullins, Environmental Protection Specialist for the Illinois EPA's Champaign Regional Office, conducted an inspection of a facility owned and operated by the Respondents. The facility is located at the intersection of Meuser and South Washington, Paxton, Ford County, Illinois, and is designated with Illinois EPA Site Code No. 0530255054.

2. On or about October 15, 2012, the Illinois EPA served the Respondents with Administrative Citation No. 231-12-AC, alleging therein that the Respondents had caused or allowed open dumping at the facility on May 8, 2012, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2010); and (2) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2010).

3. On or about January 7, 2013, Respondents filed an Amended Petition for Review contesting the administrative citation.

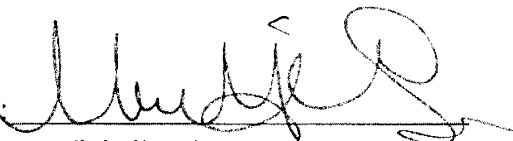
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondents admit that they caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2010), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2010).
- b. Respondents agree 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. Respondents agree to diligently comply with, and shall cease and desist from further violation of 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.
- 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' Amended Petition for Review filed with the Board on or about January 7, 2013, 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: 1/30/14

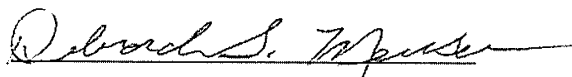
-AND-

STEVEN B. MEUSER,

  
Steven B. Meuser

DATE: 1-22-14


DEBORAH S. MEUSER,

  
Deborah S. Meuser

DATE: 1.22.14

-AND-

MEUSER CONSTRUCTION AND EXCAVATING, INC., Respondents,

BY:  DATE: 1-22-14

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**PROOF OF SERVICE**

I hereby certify that I did on the 30<sup>th</sup> day of January, 2014, 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: Ross Sorensen, Esq.  
Martensen & Niemann  
140 North Taft Street  
P.O. Box 146  
Paxton, Illinois 60957

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  
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