

(IEPA No. 57-13-AC)

Dated: March 14, 2017

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2013-041
)	
v.)	(IEPA No. 57-13-AC)
)	
ROBERT and TIA MIXER,)	
)	
Respondents.)	

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 Respondents ROBERT and TIA MIXER ("Respondents"), by and through their attorney Amy L. Jackson, Rammelkamp Bradney, P.C., 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) (2014), 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 February 4, 2013, Mark Weber, an Environmental Protection Specialist for the Illinois EPA's Springfield Regional Office, conducted an inspection of a facility owned and operated by the Respondents. The facility is located immediately northwest of the intersection of Illinois Route 104 and East 1600th Street east of Quincy, Adams County, Illinois, and is designated with Site Code No.0018085007.

2. On or about April 3, 2013, the Illinois EPA served the Respondents with Administrative Citation No. 57-13-AC, alleging therein that the Respondents had conducted activities at the facility on February 4, 2013, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2014).

3. On or about May 8, 2013, Respondents filed a Petition for Review contesting the administrative citation.

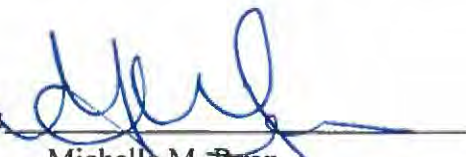
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent admits to causing or allowing litter at the facility (in violation of 415 ILCS 5/21(p)(1)) (2014)) and agrees to pay the statutory civil penalty of \$1,500.00 for this violation pursuant to 415 ILCS 5/42(b)(4-5) (2014).
- 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.* (2014), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. The violations observed during the February 4, 2013 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 May 8, 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: 3/13/17

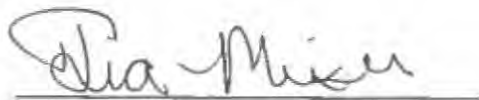
-AND-

ROBERT MIXER, Respondent,


-AND-

DATE: 3-6-17

TIA MIXER, Respondent,



DATE:
3-6-17

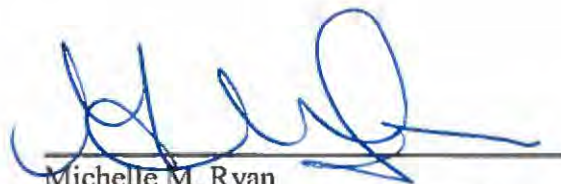
PROOF OF SERVICE

I hereby certify that I did on the 14th day of March, 2017, serve by e-mail delivery a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENTS' PETITION FOR ADMINISTRATIVE REVIEW

To: Amy L. Jackson
Rammelkamp Bradney
232 W. State Street
Jacksonville, IL 62651

and the original via electronic filing on the same date

To: Don Brown, 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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