

JUN 21 2004

STATE OF ILLINOIS  
Pollution Control Board

THIS FILING SUBMITTED ON RECYCLED PAPER

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Pollution Control Board

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(IEPA No. 332-03-AC)

1. On May 15, 2003, Kenneth Keigley, an Environmental Protection Specialist for the Illinois EPA's Champaign Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located on the north side of Tin Cup Road,

approximately ¼ mile east of Prairieview Road, Mahomet, Champaign County, Illinois, and is designated with Illinois EPA Site Code No. 0198125002.

2. On June 16, 2003, the Illinois EPA served the Respondent with Administrative Citation No. 331-03-AC, alleging therein that the Respondent had caused or allowed open dumping at his facility on April 15, 2003, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002); (2) open burning, a violation of 415 ILCS 5/21(p)(3); and (3) deposition of general and/or clean construction or demolition debris, a violation of 415 ILCS 5/21(p)(7).

3. On or about July 7, 2003, the 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 that he caused or allowed open dumping resulting in deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2002). Respondent agrees to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2002).
- b. Respondent agrees to pay the statutory civil penalty by July 31, 2004.
- c. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2002), 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 criminal or civil enforcement action.
- f. Respondent's Petition for Review filed with the Board on or about July 7, 2003, 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: 6/16/04

-AND-

Respondent,

  
Olen G. Parkhill Jr.

DATE: 6/8/04

## PROOF OF SERVICE

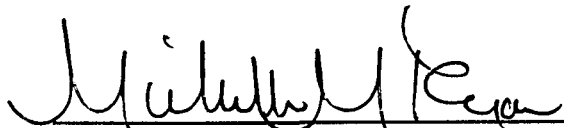
I hereby certify that I did on the 17<sup>th</sup> day of June 2004, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

To: Deborah Frank Feinen  
Nally, Bauer, Feinen & Bullock, P.C.  
41 East University Avenue, Suite 2A  
P.O. Box 227  
Champaign, Illinois 61824-0227

Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail with postage thereon fully prepaid

To: Dorothy Gunn, 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

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