


JUL 19 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF FILING

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

Respectfully submitted,


Michelle M. Ryan
Special Assistant Attorney General

THIS FILING SUBMITTED ON RECYCLED PAPER

JUL 19 2004

STATE OF ILLINOIS
Pollution Control Board

JUL 19 2004

Respondent.

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(IEPA No. 250-03-AC)

OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

REVIEW (“Agreement”), and in support hereof, the parties respectfully state as follows:

1. On March 31, 2003, Gene Figge, an Environmental Protection Specialist for the Illinois EPA's Peoria Regional Office, conducted an inspection of a facility operated by the Respondent. The facility is located on the southwest side of the intersection of Pottstown Road and Kickapoo Creek Road, Kickapoo Township, Peoria County, Illinois, and is designated with Illinois EPA Site Code No. 1438075011.

2. On or about May 29, 2003, the Illinois EPA served the Respondent with Administrative Citation No. 250-03-AC, alleging therein that the Respondent had caused or allowed open dumping at his facility on March 31, 2003, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002).

3. On or about June 30, 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 does not admit that he caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2002). Nevertheless, in the interest of settlement, Respondent agrees to pay a 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 in monthly installments of \$200.00, commencing on August 1, 2004, and continuing the first of each month thereafter until paid. The eighth payment will be the balance due of \$100.00.
- 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. Respondent has removed approximately 900 tires from the property, including tires that he does not believe he was responsible for removing.

- 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 June 30, 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: July 15, 2004

-AND-

Respondent,


CARL BENEDICT

DATE: 7-1-04

PROOF OF SERVICE

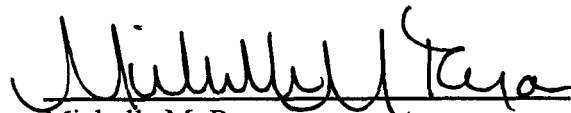
I hereby certify that I did on the 15th day of July, 2004, send by U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR REVIEW

To: Carl Benedict
2500 West Farmington Road
West Peoria, Illinois 61604

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

Illinois Environmental Protection Agency
1021 North Grand Avenue East
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