

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 13 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
ROBERT and PHYLIS ULRICH and BOB )  
ULRICH PALLET INC., )  
 )  
Respondents. )

AC 05-05

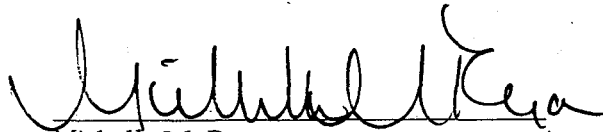
(IEPA No. 314-04-AC)

NOTICE OF FILING

To: Gerald L. Timmerwilke  
Blickhan, Woodworth & Timmerwilke  
435 Hampshire Street  
Quincy, Illinois 62301

PLEASE TAKE NOTICE that on this date I mailed for filing 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 ADMNISTRATIVE REVIEW.

Respectfully submitted,



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 11, 2005

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v.	)	(IEPA No. 314-04-AC)
	)	
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ULRICH PALLET INC.,	)	
	)	
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, ROBERT and PHYLIS ULRICH and BOB ULRICH PALLET INC., ("Respondents"), by and through their attorney, Gerald L. Timmerwilke, and 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) (2002), 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 June 3, 2004, Charlie King, an Environmental Protection Specialist for the Illinois EPA's Springfield Regional Office, conducted an inspection of a facility owned and/or

operated by the Respondents. The facility is located at 5913 West St. Anthony Road, Quincy, Adams County, Illinois and is designated with Illinois EPA Site Code No. 0010653001.

2. On or about July 14, 2004, the Illinois EPA served the Respondents with Administrative Citation No. 314-04-AC, alleging therein that the Respondents had caused or allowed open dumping at the above-named facility on June 3, 2004, 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 August 16, 2004, the 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 do not admit that they caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2002). Nevertheless, in the interest of settlement, Respondents agree to pay a civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2002) within 30 days of the date of the Board's final order in this case.
- b. Respondents agree 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.
- c. The waste located at the site that was the subject of this administrative citation has been removed and properly disposed of.
- d. 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.

- e. Respondents' Petition for Review filed with the Board on or about August 16, 2004, 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      DATE: 1/11/05  
Michelle M. Ryan  
Special Assistant Attorney General  
1021 North Grand Avenue East  
Springfield, IL 62702-4059  
(217) 782-5544

-AND-

Respondents:

Robert Ulrich      DATE: 1-5-05  
ROBERT ULRICH

-AND-

Phyllis Ulrich      DATE: 1-5-05  
PHYLLIS ULRICH

-AND-

BOB ULRICH PALLET INC.

BY: Robert A. Ulrich  
Robert A. Ulrich  
President

DATE: 1-5-05

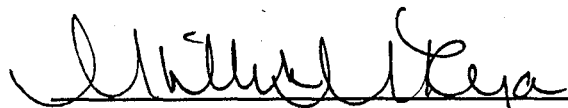
**PROOF OF SERVICE**

I hereby certify that I did on the 11<sup>th</sup> day of January 2005, 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 ADMINISTRATIVE REVIEW

To: Gerald L. Timmerwilke Blickhan, Woodworth & Timmerwilke 435 Hampshire Street Quincy, Illinois 62301	Carol Webb Hearing Officer 1021 North Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274
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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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