

OCT 12 2004

STATE OF ILLINOIS
Pollution Control Board

Respondent.

(IEPA No. 759-03-AC)

THIS FILING SUBMITTED ON RECYCLED PAPER

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Pollution Control Board

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$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

(IEPA No. 759-03-AC)

1. On November 26, 2003, Jeff Port, an Environmental Protection Specialist for the Illinois EPA's BOL-Peoria Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located approximately 3 miles south of the junction of

Route 18 and Route 29 in Henry, Marshall County, Illinois, and is designated with Illinois EPA Site Code No. 1238035001.

2. On or about December 24, 2003, the Illinois EPA served the Respondent with Administrative Citation No. 759-03-AC, alleging therein that the Respondent had caused or allowed open dumping at her facility on November 26, 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 January 22, 2004, the Respondent filed a Petition for Review contesting the administrative citation.

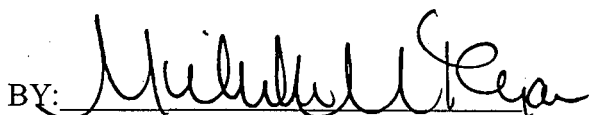
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent admits that she caused or allowed open dumping resulting in open burning, a violation of 415 ILCS 5/21(p)(3) (2002), and 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 in fifteen monthly installments of \$100.00, commencing on November 1, 2004, and continuing the first of each month thereafter until paid.
- 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 January 22, 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
Special Assistant Attorney General
1021 North Grand Avenue East
Springfield, IL 62702-4059
(217) 782-5544

DATE: 10/7/04

-AND-

Respondent,


ROSEMARY PEHM

DATE: 10/4/2004

PROOF OF SERVICE

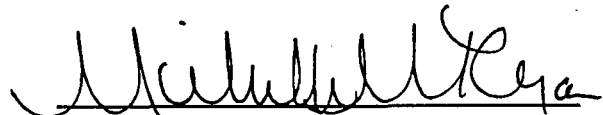
I hereby certify that I did on the 7th day of October 2004, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR REVIEW

To: Eric S. Swartz, Esq.
611 Second Street
P.O. Box 174
Henry, Illinois 61537

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
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