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AUG 13 2003

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
MOUND CITY,)
)
Respondent.)

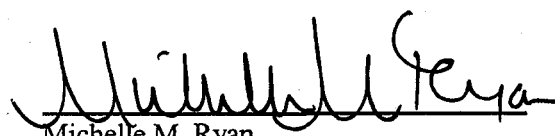
AC 02-4
(IEPA No. 288-01-AC)

NOTICE OF FILING

To: James A. Flummer, Esq.
City Attorney, Mound City
Post Office Box 588
3305 Sycamore Street
Cairo, Illinois 62914

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 RESPONDENT'S PETITION FOR ADMINISTRATIVE 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: August 7, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS ENVIRONMENTAL)
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AC 02-4
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STATE OF ILLINOIS
Pollution Control Board

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 Respondent, MOUND CITY ("Respondent"), 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) (2000), 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 RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW ("Agreement"), and in support hereof, the parties respectfully state as follows:

1. On May 23, 2001, Sheila Williams, an Environmental Protection Specialist for the Illinois EPA's Marion Regional Office, conducted an inspection of a facility owned and operated by the Respondents. The facility is located at South of Route 37 at the west end of Poplar Street in Mound City, Pulaski County, Illinois, and is designated with Illinois EPA Site Code No. 1538540006.

2. On or about July 23, 2001, the Illinois EPA served the Respondent with Administrative Citation No. 288-01-AC, alleging therein that the Respondent had caused or allowed open dumping at its facility on May 23, 2001, in a manner which resulted in the following

occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2000); and (2) open burning, a violation of 415 ILCS 5/21(p)(3).

3. On or about August 21, 2001, the Respondent filed a Petition for Review contesting the administrative citation.

4. On May 7, 1998, the Pollution Control Board found that Respondent had violated the provisions listed in an Administrative Citation filed on March 23, 1998 (PCB No. AC 98-24).

5. 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:

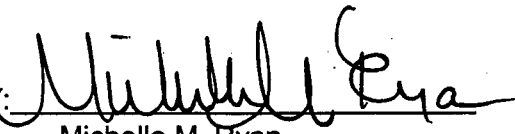
- a. Respondent admits that it caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (1998), and agrees to pay the statutory civil penalty of \$3,000.00 pursuant to 415 ILCS 5/42(b)(4-5) (2000).
- b. Respondent agrees to pay the statutory civil penalty of \$3,000.00 in four equal monthly installments of \$750.00, beginning on July 15, 2003, subsequent payments being due on the 15th day of each month until paid in full.
- c. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2000), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. Respondent will remove and properly dispose of waste at the site that was the subject of this administrative citation at a rate of at least two 30-cubic-yard dumpsters per month until completed. Respondent will forward monthly receipts indicating date, amount of waste removed, and destination to the Illinois EPA Marion Regional Office.
- e. The Illinois EPA agrees that if Respondent meets the requirements of subparagraph (d) above, it will not 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 August 21, 2001, 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: 8/6/03

-AND-

MOUND CITY,
Respondent,

BY: 
SAMUEL JOHNSON
Mayor, Mound City

DATE: 7/10/03

PROOF OF SERVICE

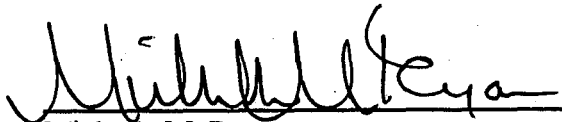
I hereby certify that I did on the 7th day of August, 2003, send by U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

To: James A. Flummer, Esq.
City Attorney, Mound City
Post Office Box 588
3305 Sycamore Street
Cairo, Illinois 62914

Carol Sudman
Hearing Officer
Mail Code #8
1021 North Grand Avenue East
Springfield, Illinois 62702
(VIA INTEROFFICE MAIL)

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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