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JAN 28 2002

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
MARVIN HAMMACK and)
DORIS BAKER)
)
Respondents.)

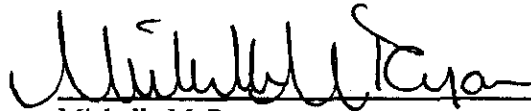
AC 02-3
(IEPA No. 290-01-AC)

NOTICE OF FILING

To: Mark L. Vincent
408 West Lafayette Street
P.O. Box 177
Rushville, Illinois 62681

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 original 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: January 25, 2002

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JAN 28 2002

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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MARVIN HAMMACK and)
DORIS BAKER)
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Respondents.)

AC 02-3
(IEPA No. 290-01-AC)

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 Respondents, MARVIN HAMMACK and DORIS BAKER ("Respondents"), by and through their attorney, Mark L. Vincent, 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 ("IPCB") 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 21, 2001, Jan Mier, an Environmental Protection Specialist for the Illinois EPA's Springfield Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located off Kinderhook Road, Rushville, Schuyler County, Illinois, and is designated with Illinois EPA Site Code No. 1698035001.

2. On or about July 19 and 20, 2001, the Illinois EPA served the Respondents with Administrative Citation No. 290-01-AC, alleging therein that the Respondents had caused or

allowed open dumping at their facility on May 21, 2001, in a manner which resulted in the following occurrence: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2000).

3. On or about August 8, 2001, 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. The Respondents admit that they caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (1998), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2000).
- b. The Respondents agree to pay the statutory civil penalty of \$1,500.00 in monthly installments of \$100.00, the first payment being due on January 31, 2002, and subsequent payments of \$100.00 due on the last day of each successive month until paid in full.
- c. The Respondents agree 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. 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 August 8, 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
Assistant Counsel
Division of Legal Counsel
1001 North Grand Avenue East
Springfield, IL 62702-4059
(217) 782-5544

DATE: *January 22, 2002*

-AND-

MARVIN HAMMACK and DORIS BAKER,
Respondents,

BY: 

MARK L. VINCENT
Attorney for the Respondent
408 West Lafayette Street
P.O. Box 177
Rushville, Illinois 62681

DATE:

PROOF OF SERVICE

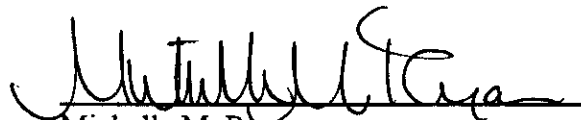
I hereby certify that I did on the 25th day of January, 2002, send by U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

To: Mark L. Vincent
408 West Lafayette Street
P.O. Box 177
Rushville, Illinois 62681

Steven Langhoff
Hearing Officer
Illinois Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704

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
P.O. Box 19276
Springfield, Illinois 62794-9276
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