

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

APR 17 2006

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
TIM WALKER,)
)
)
Respondent.)

AC 04-59

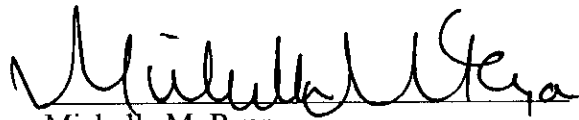
(IEPA No. 135-04-AC)

NOTICE OF FILING

To: Joel A. Benoit
Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza, Suite 325
Springfield, IL 6270

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 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: April 12, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

APR 17 2006

STATE OF ILLINOIS
Pollution Control Board

| | | |
|------------------------|---|----------------------|
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Complainant, |) | AC 04-59 |
| |) | |
| v. |) | (IEPA No. 135-04-AC) |
| |) | |
| TIM WALKER, |) | |
| |) | |
| Respondent. |) | |

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, TIM WALKER ("Respondent"), by and through his attorney, Joel Benoit, 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 RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW ("Agreement"), and in support hereof, the parties respectfully state as follows:

1. On March 8, 2004, Dustin Burger, an Environmental Protection Specialist for the Illinois EPA's Champaign Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at 3610 Christmas Tree Road, Decatur, Macon County, Illinois, and is designated with Illinois EPA Site Code No. 1158165007.

2. On or about March 31, 2004, the Illinois EPA served the Respondent with Administrative Citation No. 135-04-AC, alleging therein that the Respondent had caused or allowed open dumping at his facility on March 8, 2004, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002); and (2) open burning, a violation of 415 ILCS 5/21(p)(3).

3. On or about May 3, 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. The Board order shall find Respondent liable for having caused or allowed open dumping resulting in open burning, a violation of 415 ILCS 5/21(p)(3) (2002), and shall order Respondent 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 of \$1,500.00 within 30 days of the Board order approving this Stipulation.
- c. Respondent agrees to diligently comply with 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 civil enforcement action.
- f. Respondent's Petition for Review filed with the Board on or about May 3, 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
Michelle M. Ryan
Special Assistant Attorney General
1021 North Grand Avenue East
Springfield, IL 62702-4059
(217) 782-5544

DATE: 4/12/06

-AND-

TIM WALKER, Respondent,

BY: Joel A. Benoit
Joel A. Benoit
Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701
(217) 528-2517

DATE: 03/29/06

PROOF OF SERVICE

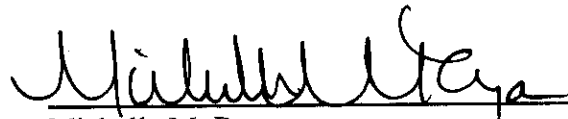
I hereby certify that I did on the 12th day of April 2006, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

To: Joel A. Benoit
Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza, Suite 325
Springfield, IL 6270

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
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544