

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 31 2006  
STATE OF ILLINOIS  
Pollution Control Board

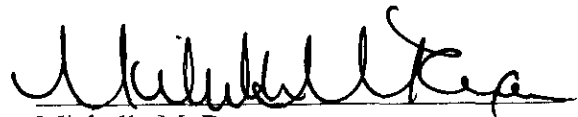
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 06-13
	)	
v.	)	(IEPA No. 408-05-AC)
	)	
LYNDELL HEINZMANN,	)	
	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: Samuel E. Bauerle, Esq.  
321 West McMackin Street  
Salem, Illinois 62881

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: July 27, 2006

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ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
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v. )  
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LYNDELL HEINZMANN, )  
 )  
Respondent. )

AC 06-13

(IEPA No. 408-05-AC)

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 Respondent, LYNDELL HEINZMANN ("Respondent"), by and through his attorney, Samuel E. Bauerle, 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) (2004), 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 September 15, 2005, John Senjan, an Environmental Protection Specialist for the Bureau of Land for the Illinois EPA's Collinsville Regional Office, conducted an inspection of a facility owned and operated by the Respondent. The facility is located at on Highway 51, west of the town of Luka, Marion County, Illinois, and is designated with Illinois EPA Site Code No. 1210155007.

2. On or about October 19, 2005, the Illinois EPA served the Respondent with Administrative Citation No. 408-05-AC, alleging therein that the Respondent had caused or allowed open dumping at his facility on September 15, 2005, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002); (2) scavenging, a violation of 415 ILCS 5/21(p)(2); and (3) open burning, a violation of 415 ILCS 5/21(p)(3).

3. On or about November 28, 2005, 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 he 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 for this violation pursuant to 415 ILCS 5/42(b)(4-5) (2002).
- b. Respondent agrees to pay the statutory civil penalty within 30 days of the date of the Board's order accepting 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 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 November 28, 2005, 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: 7/27/06

-AND-

Respondent,

  
Lyndell Heinzmann

DATE:

**PROOF OF SERVICE**


I hereby certify that I did on the 27<sup>th</sup> day of July 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 ADMNISTRATIVE REVIEW

To: Samuel E. Bauerle, Esq.  
321 West McMackin Street  
Salem, Illinois 62881

Carol Webb  
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