

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

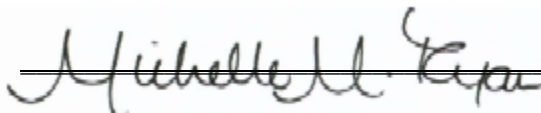
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 05-08
	)	
v.	)	(IEPA No. 330-04-AC)
	)	
TED HARRISON and GERALD S. GILL,	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

To: Stephen F. Hedinger	Mark S. Cochran
Hedinger Law Office	Bellatti, Barton, Hamill & Cochran, LLC
2601 South Fifth Street	Suite A
Springfield, IL 62703	944 Clock Tower Drive
	Springfield, Illinois 62704

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 HARRISON'S PETITION FOR ADMINISTRATIVE REVIEW and MOTION TO DISMISS RESPONDENT GERALD S. GILL.

Respectfully submitted,



e-signature valid for IPCB e-filings ONLY

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: February 6, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 05-08
	)	
v.	)	(IEPA No. 330-04-AC)
	)	
TED HARRISON and GERALD S. GILL,	)	
	)	
Respondents.	)	

STIPULATION OF SETTLEMENT AND DISMISSAL  
OF RESPONDENT HARRISON'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, TED HARRISON ("Respondent Harrison"), by and through his attorney, Stephen F. Hedinger, 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 HARRISON'S PETITION FOR ADMINISTRATIVE REVIEW ("Agreement"), and in support hereof, the parties respectfully state as follows:

1. On May 26, 2004, David Jansen, of the Illinois EPA's Springfield Regional Office, conducted an inspection of a facility previously owned and operated by Respondent Harrison. The facility is located east of Garner Road in the SE quarter of Section 35, T. 18 N, R 10 W, in

Sangamon Valley Township, Cass County, Illinois, and is designated with Illinois EPA Site Code No. 0170255004.

2. On or about July 17, 2004, the Illinois EPA served Respondent Harrison with Administrative Citation No. 330-04-AC, alleging therein that Respondent Harrison had caused or allowed open dumping at the facility on May 26, 2004, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2004); and (2) deposition of general and/or clean construction or demolition debris, a violation of 415 ILCS 5/21(p)(7).

3. On or about August 19, 2004, Respondent Harrison 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:

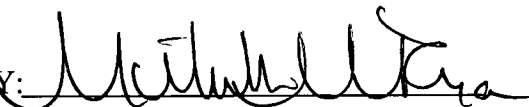
- a. Respondent Harrison neither admits nor denies that he caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2004), but agrees to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2004).
- b. Respondent Harrison agrees to pay the statutory civil penalty within 30 days of the date of the Board's order accepting this stipulation.
- c. Respondent Harrison 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 civil enforcement action.
- f. Respondent Harrison's Petition for Review filed with the Board on or about August 19, 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,

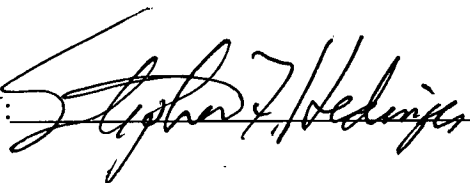
BY: 

Michelle M. Ryan  
Special Assistant Attorney General  
1021 North Grand Avenue East  
Springfield, IL 62702-4059  
(217) 782-5544

DATE: 2/6/07

-AND-

TED HARRISON, Respondent,

BY: 

DATE: 2/1/07

Stephen F. Hedinger  
Hedinger Law Office  
2601 South Fifth Street  
Springfield, IL 62703

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 05-08
	)	
v.	)	(IEPA No. 330-04-AC)
	)	
TED HARRISON and GERALD S. GILL,	)	
	)	
Respondents.	)	

MOTION TO DISMISS  
RESPONDENT GERALD S. GILL

NOW COMES the Complainant, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Special Assistant Attorney General Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 101.500, and respectfully states as follows:

(1) On July 19, 2004, Illinois EPA issued an Administrative Citation to Respondents TED HARRISON and GERALD S. GILL, based on an inspection conducted on May 26, 2004.

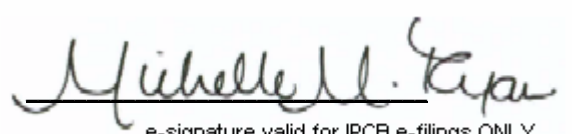
(2) Since this Administrative Citation was filed, the parties have engaged in settlement discussions.

(3) Based on newly-discovered circumstances surrounding this case, Illinois EPA believes that it is now appropriate to dismiss this Administrative Citation against Respondent GERALD S. GILL.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Respondent GERALD S. GILL.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant

DATED: February 6, 2007



e-signature valid for IPCB e-filings ONLY

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

**PROOF OF SERVICE**

I hereby certify that I did on the 6<sup>th</sup> day of February 2007, 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 HARRISON'S PETITION FOR ADMINISTRATIVE REVIEW and MOTION TO DISMISS RESPONDENT GERALD S. GILL

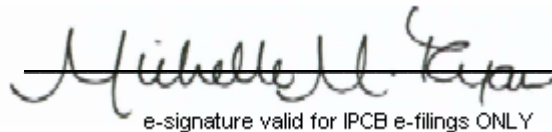
To: Stephen F. Hedinger  
Hedinger Law Office  
2601 South Fifth Street  
Springfield, IL 62703

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

Mark S. Cochran  
Bellatti, Barton, Hamill & Cochran, LLC  
Suite A  
944 Clock Tower Drive  
Springfield, Illinois 62704

and an electronic copy of the same foregoing instrument on the same date via electronic filing

To: Dorothy Gunn, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601



e-signature valid for IPCB e-filings ONLY

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