

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

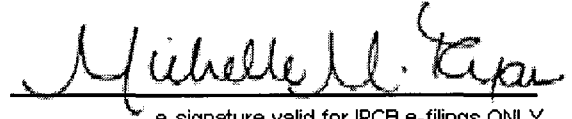
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	AC 04-89, AC 04-90, AC 04-91
Complainant,)	consolidated
)	
v.)	(IEPA Nos. 305-04-AC, 306-04-
)	AC and 308-04-AC)
EARL and NORMA MARTIN,)	
)	
Respondents.)	

NOTICE OF FILING

To: Grant R. Gulovsen
Barash & Everett, LLC
P.O. Box 1408
Galesburg, IL 61402-1408

PLEASE TAKE NOTICE that on this date I electronically filed 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 REVIEW.

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: June 29, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	AC 04-89, AC 04-90, AC 04-91
Complainant,)	consolidated
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)	AC and 308-04-AC)
EARL and NORMA MARTIN,)	
)	
Respondents.)	

STIPULATION OF SETTLEMENT AND DISMISSAL
OF RESPONDENTS' PETITIONS FOR ADMINISTRATIVE REVIEW

NOW COMES the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorney, Special Assistant Attorney General Michelle M. Ryan, and the Respondents, EARL and NORMA MARTIN ("Respondents"), by and through their attorney, Grant R. Gulovsen, Barash & Everett, LLC, 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) (2008), 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 RESPONDENTS' PETITIONS FOR ADMINISTRATIVE REVIEW ("Agreement"), and in support hereof, the parties respectfully state as follows:

1. On May 7, May10, and May 24, 2004, Jeff Port, an Environmental Protection Specialist for the Illinois EPA's BOL-Peoria Regional Office, conducted an inspection of a facility owned and operated by the Respondents. The facility is located at located at County Road 2500

North, Rio Township, Knox County, Illinois, and is designated with Illinois EPA Site Code No. 0958145002.

2. On or about June 25, 2004, the Illinois EPA served the Respondents with Administrative Citation Nos. 305-04-AC, 306-04-AC and 308-04-AC, alleging therein that the Respondents had caused or allowed open dumping at their facility on May 7, May 10, and May 24, 2004 in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2002); (2) open burning, a violation of 415 ILCS 5/21(p)(3) (2004); (3) deposition of waste in standing or flowing waters, a violation of 415 ILCS 5/21(p)(4) (2002); (4) proliferation of disease vectors, a violation of 415 ILCS 5/21(p)(5) (2002); and (5) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2002).

3. On or about July 27, 2004, the Respondents filed Petitions for Review contesting the administrative citations.

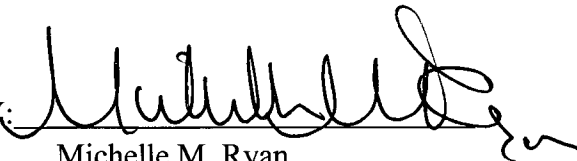
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondents admit that they caused or allowed open dumping resulting in: litter, a violation of 415 ILCS 5/21(p)(1) (2006); open burning, a violation of 415 ILCS 5/21(p)(3); and deposition of waste in standing or flowing waters, a violation of 415 ILCS 5/21(p)(4); and agree to pay the statutory civil penalty of \$4,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2002).
- b. Respondents agree to pay the statutory civil penalty within 30 days of the date of the Board's order accepting this stipulation.

- c. Respondents agree to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2008), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. The waste located at properties owned or operated by the Respondents, including the site that was the subject of these administrative citations, has been removed and properly disposed of.
- e. The Illinois EPA agrees not to refer the violations that are the subject of these administrative citations to the Office of the Illinois Attorney General or any other prosecuting authority for the initiation of a civil enforcement action.
- f. Respondents' Petitions for Review filed with the Board on or about July 27, 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: 6/29/10

-AND-

Respondents,

A handwritten signature in cursive script that reads "Earl Martin". The signature is written in dark ink and is positioned above a horizontal line.

EARL MARTIN

DATE: 6-16-10

A handwritten signature in cursive script that reads "Norma Martin". The signature is written in dark ink and is positioned above a horizontal line.

NORMA MARTIN

DATE: 6-16-10

PROOF OF SERVICE

I hereby certify that I did on the 29th day of June, 2010, 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 REVIEW

To: Grant R. Gulovsen
Barash & Everett, LLC
P.O. Box 1408
Galesburg, IL 61402-1408

and the original via electronic filing

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

A handwritten signature in black ink, reading "Michelle M. Ryan", is written over a horizontal line.

e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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Springfield, Illinois 62794-9276
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