

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

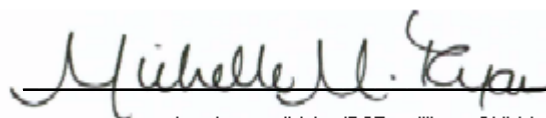
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	AC 2013-010
Complainant,)	AC 2013-011
)	
v.)	(IEPA No. 207-12-AC)
)	(IEPA No. 206-12-AC)
)	
HUGHES TIRE & BATTERY COMPANY,)	
)	
Respondent.)	

NOTICE OF FILING

To: Stephen G. Andich
Andich & Andich
Safety Building, Suite 404
1800 Third Avenue
Rock Island, IL 61201

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: July 16, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	AC 2013-010
)	AC 2013-011
Complainant,)	
)	(IEPA No. 207-12-AC)
v.)	(IEPA No. 206-12-AC)
)	
HUGHES TIRE & BATTERY COMPANY,)	
)	
Respondent.)	

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, HUGHES TIRE & BATTERY COMPANY, ("Respondent"), by and through its attorney, Steve Andich, 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) (2010), 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 July 27, 2012, Gerald McGhee, an Environmental Protection Specialist for the Illinois EPA's Peoria Regional Office, conducted an inspection of two facilities owned and operated by the Respondent. The facilities are located at: (1) 730 31st Street, Suite 2, Rock Island, Rock Island County, Illinois, designated with Illinois EPA Site Code No.1610656101 [AC 2013-

011]; and (2) 120 East First Avenue, Milan, Rock Island County, designated with Illinois EPA Site Code No. 1610400022 [AC 2013-010].

2. On or about August 30, 2012, the Illinois EPA served the Respondent with Administrative Citations No. 206-12-AC and No. 207-12-AC, alleging therein that the Respondent had caused or allowed water to accumulate in used tires at its two facilities on July 27, 2012, constituting two separate violations of 415 ILCS 5/55(k)(1) (2010).

3. On or about September 12, 2012, the Respondent filed Petitions for Review contesting the administrative citations.

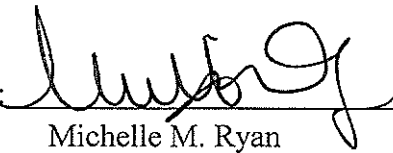
4. In an effort to resolve these matters without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent admits that it caused or allowed water to accumulate in used tires, a violation of 415 ILCS 5/55(k)(1) (2010), and agree to pay the statutory civil penalty of \$3,000.00 for a second adjudicated offense in AC 2013-010, pursuant to 415 ILCS 5/42(b)(4-5) (2010).
- b. Respondent agrees to pay the statutory civil penalty within 30 days of the date of the Board's order accepting this stipulation to resolve AC 2013-010 and AC 2013-011 simultaneously.
- c. Respondent agrees to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2010), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.

- d. The conditions at the two sites that led to the issuance of these administrative citations have been remediated.
- 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 criminal or civil enforcement action.
- f. Respondent's Petitions for Review filed with the Board on or about September 12, 2012, shall be dismissed.

WHEREFORE, the parties request that the Board accept this Agreement and issue an order consistent with its terms and conditions.

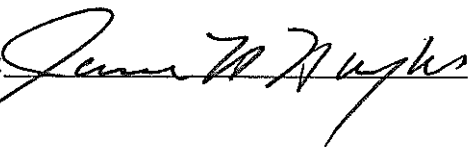
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

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

DATE: 7/9/13

-AND-

HUGHES TIRE & BATTERY COMPANY, Respondent,

BY: 

DATE: 6/13/2013

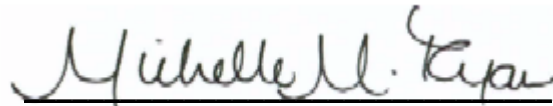
PROOF OF SERVICE

I hereby certify that I did on the 16th day of July, 2013, 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: Stephen G. Andich
Andich & Andich
Safety Building, Suite 404
1800 Third Avenue
Rock Island, IL 61201

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

To: John Therriault, 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
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