

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JAN 02 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
TERRY L. YOUNG,)
)
Respondent.)

AC 12-22

(IEPA No. 379-11-AC)

NOTICE OF FILING



ORIGINAL

To: Terry L. Young
929 Hanging Rock Road
Flora, Illinois 62839-3617

PLEASE TAKE NOTICE that on this date I 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 RESPONDENTS' PETITION FOR 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: December 31, 2013

2. On or about December 21, 2011, the Illinois EPA served the Respondent with Administrative Citation No. 379-11-AC, alleging therein that the Respondent had caused or allowed open dumping at the facility on November 14, 2011, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2010); and (2) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2010).

3. On or about January 26, 2012, Respondent filed a Petition for Review contesting the administrative citation.

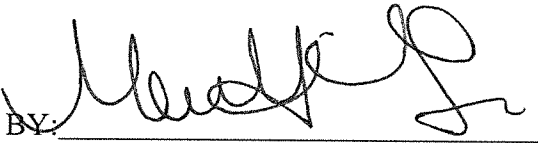
4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondent admits that it caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2010), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2010).
- b. Respondent agrees to pay the statutory civil penalty in \$50 installments, beginning on the 15th of the month following the Board's final order accepting this stipulation and continuing on the 15th of each month until paid in full, provided that if a payment is missed, the entire balance remaining becomes immediately due and owing.
- 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 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 January 24, 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,

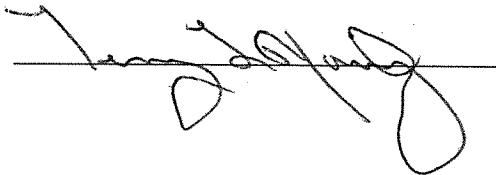
BY: 

DATE: 12/31/13

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

-AND-

TERRY L. YOUNG, Respondent,



DATE: 12-9-13

PROOF OF SERVICE

I hereby certify that I did on the 31st day of December, 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 RESPONDENTS' PETITION FOR REVIEW

To: Terry L. Young
929 Hanging Rock Road
Flora, Illinois 62839-3617

RECEIVED
CLERK'S OFFICE

JAN 02 2014

STATE OF ILLINOIS
Pollution Control Board

and the original and nine (9) copies of the same foregoing instrument on the same date

To: John Therriault, 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