

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 15 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
REX D. EVANS and ROY W. EVANS,)
JR.,)
)
Respondents.)

AC 06-16
AC 06-17
(IEPA No. 442-05-AC)
(IEPA No. 443-05-AC)

NOTICE OF FILING



ORIGINAL

To: Amy L. Jackson
Rammelkamp Bradney
232 W State Street
P.O. Box 550
Jacksonville, IL 62651

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: July 10, 2014

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STIPULATION OF SETTLEMENT AND DISMISSAL
OF RESPONDENT'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 Respondents REX D. EVANS and ROY W. EVANS, JR. ("Respondents"), by and through their attorney Amy L. Jackson, Rammelkamp Bradney, P.C., 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) (2012), 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 October 13, 2005, Michelle Cozadd, Environmental Protection Specialist for the Illinois EPA's Springfield Regional Office, conducted an inspection of two facilities owned and operated by the Respondents. One facility is located in the Southeast Quarter of the

Southeast Quarter of Section 31, Township 14 North, Range 10 West of the Third Principal Meridian in Morgan County, Illinois, and is designated with Illinois EPA Site Code No. 1378100006. The second facility is located in the Northeast Quarter of the Northeast Quarter of Section 6, Township 13 North, Range 10 West of the Third Principal Meridian in Morgan County, Illinois, and is designated with Illinois EPA Site Code No. 1378110004.

2. On or about November 10, 2005, the Illinois EPA served the Respondents with Administrative Citation Nos. 442-05-AC and 443-05-AC, alleging therein that the Respondents had caused or allowed open dumping at the facilities on October 13, 2005, in a manner which resulted in the following occurrences: occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2004); and (2) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2004).

3. On or about December 14, 2005, Respondents filed Petitions for Review contesting both of 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 to open dumping resulting in litter at both facilities (in violation of 415 ILCS 5/21(p)(1)) (2004)) and deposition of construction or demolition debris at EPA Site Code No. 1378110004, and agrees to pay the statutory civil penalty of \$4,500.00 for these three violations pursuant to 415 ILCS 5/42(b)(4-5) (2012).
- 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.* (2010), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. The violations observed during the October 13, 2005 inspection are not continuing at this time.
- 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 December 14, 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: 7/9/14

-AND-

RESPONDENTS,


Rex D. Evans

DATE: 6/10/14

Roy W. Evans
Roy W. Evans

DATE: 6/10/14

PROOF OF SERVICE

I hereby certify that I did on the 10th day of July, 2014, 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: Amy L. Jackson
Rammelkamp Bradney
232 W State Street
P.O. Box 550
Jacksonville, IL 62651

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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
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