

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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CLERK'S OFFICE

JUL 21 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

BRIAN AND TINA PAGE,)

Respondents.)

AC 14-54

ORIGINAL (IEPA No. 159-14-AC)

PETITION FOR REVIEW

The undersigned Respondents, BRIAN PAGE and TINA PAGE, pro se, do hereby submit this Petition for Review of the Administrative Citation filed herein and in support thereof, state as follows:

1. That Respondents acquired the subject property by virtue of a Warranty Deed recorded on October 31, 2013 designated as Document No. 13-002355 on file with the Marshall County Recorder of Deed's office.
2. That at the time of the recording of said Warranty Deed on October 31, 2013, various piles of litter and construction debris were present upon the Respondents' property which the Respondents have diligently endeavored to remove in accordance with all applicable legal requirements.
3. That immediately following Respondents' purchase of the subject property, neighbors complained about the presence of the pre-existing litter and construction debris upon the Respondent's subject property resulting in a prior inspection of this site on December 12, 2013 in response to Complaint Number C-2013-079-P. A follow-up inspection on March 31, 2014 resolved the violations observed on December 12, 2013.

4. That neighbors have again complained about litter and construction debris without any substantial change in the condition of the subject property since the follow-up inspection on March 31, 2014 in response to Complaint Number C-2013-079-P.

5. That photographs taken in connection with Complaint Number C-2013-079-P on March 31, 2014 and the current inspection of May 19, 2014 reveal a substantial overlap in the alleged violations depicting at least one of the same alleged piles of debris.

6. That the alleged violation that Respondents caused or allowed the open dumping of waste in a manner resulting in litter, being a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1)(2014) resulted from uncontrollable circumstances as contemplated by 415 ILCS 5/31.1(d)(2); and, consequently, the Board should adopt a final order which makes no finding of violation and which imposes no penalty. Respondents have never allowed anyone to dump any waste of any kind upon their property.

7. That the alleged violation that Respondents caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, being a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7)(2014) resulted from uncontrollable circumstances as contemplated by 415 ILCS 5/31.1(d)(2); and, consequently, the Board should adopt a final order which makes no finding of violation and which imposes no penalty.

8. That the imposition of the \$3,000.00 penalties as proposed would result in an arbitrary or unreasonable financial hardship for the Respondents.

9. That the non-compliance identified has been corrected and the Respondents have completely and promptly cooperated with Complainant's inspection and requirements for remediation

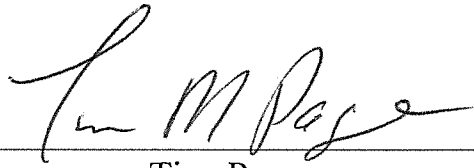
10. That the Respondents pledge to take all reasonable steps necessary to prevent a reoccurrence of the non-compliance.

11. That the non-compliance did not result in serious actual harm or present an imminent and substantial endangerment to human health or the environment or violate the specific terms of any judicial or administrative order or consent agreement.

12. That the Respondents have never had a prior administrative citation.



Brian Page



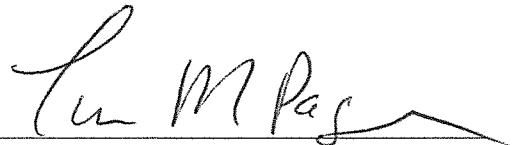
Tina Page

STATE OF ILLINOIS)
) SS.
MARSHALL COUNTY)

Under the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that they verily believe the same to be true.



Brian Page



Tina Page

Brian Page & Tina Page
1511 N. Fifth Street
Chillicothe, IL 61523
Telephone: (309) 258-7831

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Pollution Control Board

PROOF OF SERVICE

I hereby certify that we did on the 18 day of July, 2014, send by first class mail with first class postage duly pre-paid, by depositing same in a U.S. mailbox at Chillicothe, Illinois, the original of the attached "Petition for Review" addressed as follows:

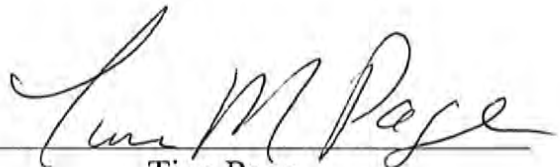
John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

and a copy of the attached "Petition for Review" addressed as follows:

Illinois Environmental Protection Agency
ATTN.: Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 61794-9276



Brian Page



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STATE OF ILLINOIS
Pollution Control Board

July 18, 2014

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

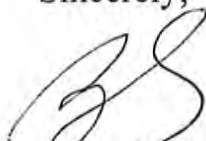
RE: Illinois Environmental Protection Agency
v. Brian and Tina Page
IEPA No. 159-14-AC

Dear Clerk:

Please find enclosed an original and a photocopy of a "Petition for Review" and "Notice of Filing" in connection with the above-referenced matter. Please file the original Petition for Review and Notice of Filing and return the file-stamped copies of same to our office in the self-addressed, stamped envelope provided for your convenience.

Thank you for your kind cooperation and expert assistance.

Sincerely,



Brian Page

MTM:kp
Enclosures
cc: Illinois EPA Division of Legal Counsel