

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 06 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CITY OF SALEM, ROGER KINNEY,
DICK BROWN and JASON BRUCE,

Respondents.

AC 04-84

(IEPA No. 275-04-AC)

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

Michelle M. Ryan, Esq.
Assistant Counsel, Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(VIA FIRST CLASS MAIL)


(SEE PERSONS ON ATTACHED LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of a **PETITION FOR REVIEW** and **ENTRY OF APPEARANCE OF CHRISTINE G. ZEMAN**, copies of which is herewith served upon you.

Respectfully submitted,

CITY OF SALEM, ROGER KINNEY,
DICK BROWN and JASON BRUCE,
Respondents,

By:


Christine G. Zeman

Dated: July 2, 2004

Christine G. Zeman
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

THIS FILING SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

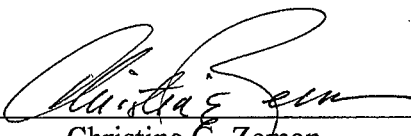
I, Christine G. Zeman, the undersigned, hereby certify that I have served a copy of
the attached PETITION FOR REVIEW and ENTRY OF APPEARANCE OF

CHRISTINE G. ZEMAN upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Michelle M. Ryan, Esq.
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail in Springfield, Illinois, postage
prepaid, on July 2, 2004.


Christine G. Zeman

SALE:001/Fil/Administrative Citation/NOF-COS

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PETITION FOR REVIEW

NOW COMES Respondents, CITY OF SALEM, ROGER KINNEY, DICK BROWN and JASON BRUCE ("City"), by their attorneys, HODGE DWYER ZEMAN, and pursuant to Section 31.1 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/31.1) and 35 Ill. Admin. Code § 108.204, submits this Petition for Review ("Petition") of the Administrative Citation issued by the Illinois Environmental Protection Agency. In support of this Petition, the City states as follows:

1. That the City of Salem is the permitted owner, Roger Kinney is the permitted operator and Dick Brown and Jason Bruce are the certified operators of the Salem Municipal Landfill #2, located at 900 East Lake Street, Salem, Marion County, Illinois.
2. That the Landfill is a municipal solid waste and non-hazardous special waste landfill that is used for the disposal of residential, commercial and industrial waste. The Landfill's facility identification number is 1218130007 and operates under Illinois Environmental Protection Agency Permit No. 1995-178-LFM.

3. That Respondents have owned and/or operated said facility at all times pertinent hereto.

4. That the Respondents believe the Administrative Citation was improperly issued because the Respondents did not cause or allow the alleged violations listed below or were in part due to uncontrollable circumstances:

A. That Respondents conducted a sanitary landfill in a manner which resulted in uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit, a violation of Section 21(o)(5)(2002) of the Act, 415 ILCS 5/21(o)(5)(2002).

B. That Respondents conducted a sanitary landfill operation in a manner which resulted in the failure to collect and contain litter from the site by the end of the operating day, a violation of Section 21(o)(12) of the Act, 415 ILCS 5/21(o)(12)(2002).

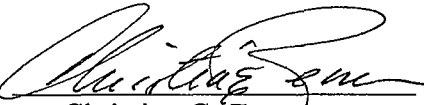
5. In addition, Respondents state that they had a mistaken understanding with respect to the type of materials authorized by the above-referenced permit to be used as Alternative Daily Cover Materials.

WHEREFORE, for the above reasons, Respondents, CITY OF SALEM, ROGER KINNEY, DICK BROWN and JASON BRUCE, pray that this Board dismiss the

Administrative Citation filed herein by the Illinois Environmental Protection Agency and
grant all other relief just and proper in the premises.

Respectfully submitted,

CITY OF SALEM, ROGER KINNEY,
DICK BROWN and JASON BRUCE,
Respondents,

By: 
Christine G. Zeman

Dated: July 2, 2004

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HODGE DWYER ZEMAN
3150 Roland Avenue
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ENTRY OF APPEARANCE OF CHRISTINE G. ZEMAN

NOW COMES Christine G. Zeman, of the law firm of HODGE DWYER
ZEMAN, and hereby enters her appearance on behalf of Respondents, CITY OF
SALEM, ROGER KINNEY, DICK BROWN and JASON BRUCE.

Respectfully submitted,

CITY OF SALEM, ROGER KINNEY,
DICK BROWN and JASON BRUCE
Respondents,

By:


Christine G. Zeman

Dated: July 2, 2004

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SALE:001/Fil/Administrative Citation/EOA - CGZ