

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
OCT 03 2008
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
GEORGE R. FORD,)
)
Respondent.)

AC 09-12
(IEPA NO. 154-08-AC)

NOTICE OF FILING

TO: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on October 2, 2008, I filed the enclosed Petition for Review, Notice of Appearance, this Notice of Filing, along with a Certificate of Service of said documents, (one original and nine copies of each) with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 W. Randolph, Suite 11-500, Chicago, Illinois 60601.

Respectfully submitted,



One of the Respondent's attorneys

Ronald Weber
Nathan Ihnes
FROEHLING, WEBER, EVANS & SCHELL, LLP
167 West Elm Street
Canton, IL 61520
(309) 647-6317

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NOTICE OF APPEARANCE

NOW COME Ronald Weber and Nathan Ihnes of FROEHLING, WEBER, EVANS & SCHELL, LLP and hereby enter their appearance on behalf of Respondent, George R. Ford.

Respectfully submitted,



One of the Respondent's attorneys

Ronald Weber
Nathan Ihnes
FROEHLING, WEBER, EVANS & SCHELL, LLP
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PETITION FOR REVIEW

NOW COMES the Respondent, GEORGE R. FORD, by and through his attorneys, FROEHLING, WEBER, EVANS & SCHELL, LLP and in response to the Administrative Citation filed against him, hereby files this Petition for Review and states as follows:

JURISDICTION

Respondent admits to the jurisdiction of Illinois Environmental Protection Agency.

FACTS

1. Respondent admits he is the present owner of property located at the SE Quarter Section Number Thirty-two (3) in Township Seven (7) North of the Base Line, Range Two (2) East of the Fourth Principal Meridian, in the Town of Deerfield, Fulton County, Illinois.

Respondent denies he is the operator of a facility at that location.

2. Respondent denies that said property is a facility operating as an open dump without an Illinois Environmental Protection Agency Permit.

3. Respondent admits he has owned said property at all time pertinent hereto, but denies operating a facility as alleged.

4. Respondent does not have sufficient knowledge to form a belief as to the truth of the allegation that on July 9, 2008, Robert J. Wagner of the Illinois Environmental Protection Agency's Peoria Regional Office inspected the property and, therefore, denies each and every allegation of paragraph 4

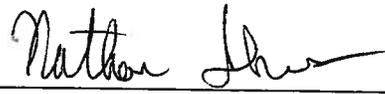
VIOLATIONS

- (1) Respondent denies that he caused or allowed the open dumping of waste in a manner resulting in litter, an alleged violation of 415 ILCS 5/21(p)(1), said material was deposited or dumped upon the Respondent's property. Respondent was without resources to quickly and adequately remediate such dumping. Respondent further states that he did not intend to cause or allow dumping upon his property, nor did he intend to operate a facility.
- (2) Respondent admits that he caused open burning of *some* of the material deposited upon his property, an alleged violation of 415 ILCS 5/21(p)(3), in an attempt to remediate the situation.
- (3) Respondent denies that he caused or allowed the open dumping of waste in manner resulting in Deposition of General Construction or Demolition Debris or Clean Construction or Demolition Debris, an alleged violation of 415 ILCS 5/21(p)(7). Respondent further states that he did not intend to cause or allow dumping upon his property, nor did he intend to operate a facility.

Further, Respondent states that since the Illinois EPA investigation of the Respondent's property, Respondent has endeavored to remediate the alleged violations by removal of all refuse. Copies of dumping invoices (Exhibit A) are attached hereto and made a part hereof by reference.

Wherefore, the Respondent, George R. Ford, respectfully requests the civil penalty sought be dismissed, or alternatively, be reduced and for other such relief this Board deems equitable and just.

Respectfully Submitted,

By: 
One of the Respondent's attorneys

Ronald Weber
Nathan Ihnes
Froehling, Weber, Evans & Schell, LLP
167 W. Elm St.
Canton, IL 61520
Phone: (309) 647-6317
Fax: (309) 647-6350



68847

WM of IL - Macomb Landfill
13998 E 1400th St
Macomb, IL, 61455
Ph: 309-836-2728

Original
Ticket# 174790

Customer Name	ENVIROFILGATERE	ENVIROFIL	CAT	Carrier	ENVIROFILGATERE	ENVIROFIL	GATE	RECEI
Ticket Date	09/24/2008			Vehicle#	1			Volume 2.0
Payment Type	Cash			Container				
Manual Ticket#				Driver				
Hauling Ticket#				Check#				
Route				Billing #	00000001			
State Waste Code				Gen EPA ID				
Manifest				Grid				
Destination								
PO								
Profile	()							
Generator								

	Time	Scale	Operator	Inbound	Gross	10000 lb
In	09/24/2008 12:24:31	Scale 1	JRE		Tare	6920 lb
Out	09/24/2008 12:50:01	Scale 1	JRE		Net	3880 lb
					Tare	1.94

Comments CASH

Product	LD%	Qty	UOM	Rate	Fee	Amount	Origin
1 300T-CONCRETE/BRIC	100	1.94	Tons	36.00		69.84	MCDONOUGH
2 EVL-Env Fee Lg.	100	1	Load	6.00		6.00	MCDONOUGH
3 FUEL-Fuel Burcharg	100			6.62		15.02	MCDONOUGH

Amt \$80.86, Amt Tendered \$100.00, Chg Due \$19.14

Total Fees	
Total Ticket	\$80.86

Driver's Signature

403WM



68910

WM of IL - Macomb Landfill
13998 E 1400th St
Macomb, IL, 61455
Ph: 309-836-2728

Original
Ticket# 174852

Customer Name	ENVIROFILGATERE	ENVIROFIL GAT	Carrier	ENVIROFILGATERE	ENVIROFIL GATE RECEI
Ticket Date	09/25/2008		Vehicle#	1	Volume 2.0
Payment Type	Cash		Container		
Manual Ticket#			Driver		
Hauling Ticket#			Check#		
Route			Billing #	0000001	
State Waste Code			Gen EPA ID		
Manifest			Grid		
Destination					
PO					
Profile	()				
Generator					

Time	Scale	Operator	Inbound	Gross	9000 lb
In 09/25/2008 13:30:27	Scale 1	JRE		Tare	6780 lb
Out 09/25/2008 14:14:03	Scale 1	JRE		Net	2220 lb
				Tons	1.11

Comments CASH

Product	LD%	Qty	UOM	Rate	Fee	Amount	Origin
1 300T-CONCRETE/BRIC	100	1.11	Tons	36.00		\$39.96	MCDONOUGH
2 EVL-Env Fee Lg. -	100	1	Load	6.00		\$6.00	MCDONOUGH
3 FUEL-Fuel Surchang	100		%	6.62		\$3.04	MCDONOUGH

George Ford

Amt \$49.00, Amt Tendered \$50.00, Chg Due \$11.00

Total Fees	
Total Ticket	\$49.00

403WM Driver's Signature



68976

WM of IL - Macomb Landfill
13998 E 1400th St
Macomb, IL, 61455
Ph: 309-836-2728

Original
Ticket# 174916

Customer Name	ENVIROFILGATERE	ENVIROFIL GAT	Carrier	ENVIROFILGATERE	ENVIROFIL GATE	RECEI
Ticket Date	09/26/2008		Vehicle#	1		Volume 2.0
Payment Type	Cash		Container			
Manual Ticket#			Driver			
Hauling Ticket#			Check#			
Route			Billing #	0000001		
State Waste Code			Gen EPA ID			
Manifest			Grid			
Destination						
PO						
Profile	()					
Generator						

	Time	Scale	Operator	Inbound	Gross	10000 lb
In	09/26/2008 15:26:59	Scale 1	JRE		Tare	7290 lb
Out	09/26/2008 15:47:15	Scale 1	JRE		Net	2720 lb
					Tone	1.36

Comments CASH

Product	LD%	Qty	UDM	Rate	Fee	Amount	Origin
1 300T-CONCRETE/BRIC	100	1.36	Tons	36.00		\$48.96	MCDONOUGH
2 EVL-Env Fee Lg. -	100	1	Load	6.00		\$6.00	MCDONOUGH
3 FUEL-Fuel Surcharg	100		%	6.62		\$3.64	MCDONOUGH

Amt \$58.60, Amt Tendered \$100.00, Chg Due \$41.40

Total Fees	
Total Ticket	\$58.60

403WM
Driver's Signature

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CERTIFICATE OF SERVICE

TO: Illinois Environmental Protection Agency
Division of Legal Counsel
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Springfield, IL 62794-9276

The undersigned certifies that he served a true and correct copy of the enclosed Petition for Review, Notice of Appearance, Notice of Filing, with this Certificate of Service upon the party named above at the address given, and further have filed said documents (one original and nine copies), with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 W. Randolph, Suite 11-500, Chicago, Illinois 60601 by overnight U.S. mail, postage prepaid, on October 2, 2008.

Respectfully submitted,



One of the Respondent's attorneys

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