

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

COUNTY OF VERMILION, ILLINOIS,)	Case No. AC:
)	
Complainant,)	County File No. 10-01
)	
vs.)	
)	
CHARLES LONG,)	
)	
Respondent.)	

RESPONDENT'S PETITION FOR REVIEW

Now comes the Respondent, Charles Long, by and through his attorney, Edwin C. Barney of Saikley, Garrison, Colombo & Barney, LLC, and as and for his Petition for Review filed pursuant to §31.1(d)(2) of the Illinois Environmental Protection Act (415 ILCS 5/31.1(d)(2)(2006) and states as follows:

1. Respondent admits the allegations of Paragraph One.
2. Respondent denies the allegations of Paragraph Two.
3. Respondent neither admits or denies that Douglas Toole of the Vermilion County Health Department inspected his property on November 10, 2009. Respondent admits a copy of his inspection report is attached to the Administrative Citation and made a part thereof by denies the characterizations of the results of said inspection as contained in the Toole report.

Violations

Respondent denies he committed the violations as alleged in the Administrative Citation on page Two, and denies he violated the Sections 21(p)(1), (3), and (7) of the Act.

Civil Penalty

Respondent hereby petitions the Pollution Control Board for review of the violations alleged in the Administrative Citation herein, and denies he should be subject to the civil penalties alleged in pages One and Two of the Citation. Respondent files this Petition for Review pursuant to §31.1 of the Act, and denies he is liable for the various statutory penalties alleged in the Administrative Citation.

Electronic Filing - Received, Clerk's Office, February 16, 2010

That the Respondent requests a review and re-hearing for several reasons. Those reasons include, but are not limited to:

- A. The facility in questions is not an open dump operation or sanitary landfill. The facility in question is a mobile \ home park;
- B. That the facility in question has never been operated as an open dump; nor is it being operated as an open dump, nor are there any intentions to operate said facility as an open dump and all said prior activities and future intentions have been as aforesaid in (A);
- C. That the Respondent has not, nor has he allowed other individuals to openly dump, to litter the facility in question or have the Respondent willfully or maliciously allowed open burning on said property. If any litter collection has occurred, it has been without knowledge or permission of the Respondent;
- D. If any fire or burning occurred, it was not with intention to violate the Act.

WHEREFORE, Respondent, Charles Long, pursuant to 415 ILCS 5/31.1(2006), respectfully Petitions the Pollution Control Board for review of the Administrative Citation filed again him in this cause, and prays the Board for such other and further relief as it deems just and proper.

CHARLES LONG, Respondent

By: _____

His Attorney

Edwin C. Barney
Saikley, Garrison, Colombo & Barney, LLC
208 W. North St., P.O. Box 6
Danville, IL 61832
Telephone: (217) 442-0244
Facsimile: (217) 442-0582

NOTICE OF FILING

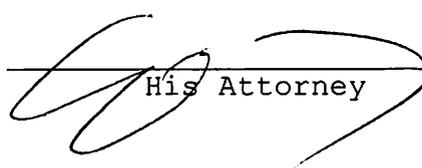
NOW COMES the Respondent, Charles Long, by his attorney, Edwin C. Barney of Saikley, Garrison, Colombo & Barney, LLC, and hereby files this Notice with the attached document with the Pollution Control Board:

1. Petition for Review and Certificate for Service

A copy of this Notice was served upon all necessary parties by U.S. Mail on February 15, 2010.

CHARLES LONG, Respondent

By: _____

 His Attorney

Edwin C. Barney
Saikley, Garrison, Colombo & Barney, LLC
208 W. North St., P.O. Box 6
Danville, IL 61832
Telephone: (217) 442-0244
Facsimile: (217) 442-0582

CERTIFICATE OF SERVICE

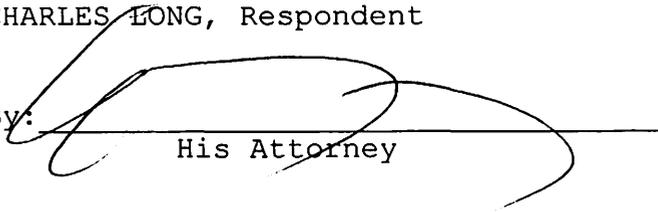
TO: State's Attorney's Office
County of Vermilion
7 North Vermilion
Danville, IL 61832

Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601

The undersigned hereby certifies that the appropriate copies of the following documents, along with a copy of this Certificate, was served upon the above individuals, in the above cause by hand delivery or by sealing a copy thereof in a postage prepaid envelope addressed as above set forth and deposited in the U.S. Mail at Danville, Illinois on the 15th day of February, 2010.

1. Petition for Review.

CHARLES LONG, Respondent

By: 

His Attorney

Edwin C. Barney
Saikley, Garrison, Colombo & Barney, LLC
208 W. North St., P.O. Box 6
Danville, IL 61832
Telephone: (217) 442-0244
Facsimile: (217) 442-0582

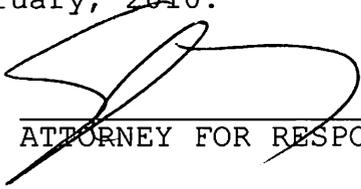
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CHARLES LONG,)	
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Respondent.)	

ENTRY OF APPEARANCE

Now comes Edwin C. Barney of Saikley, Garrison, Colombo & Barney, LLC, and enters his appearance as counsel for the Respondent, Charles Long, in the above-entitled cause.

DATED this 15th day of February, 2010.



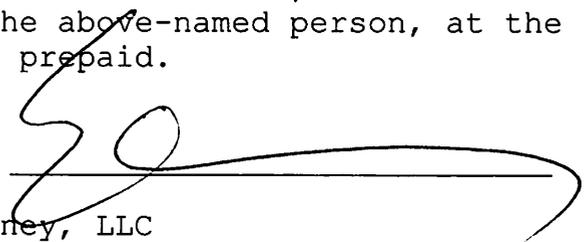
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

The undersigned certifies that on February 15, 2010, he served upon:

State's Attorney's Office	Illinois Pollution Control Board
County of Vermilion	State of Illinois Center
7 North Vermilion	100 W. Randolph, Suite 11-500
Danville, IL 61832	Chicago, IL 60601

a copy of the foregoing Entry of Appearance by depositing a true copy thereof in a United States Post Office Box, enclosed in an envelope, plainly addressed to the above-named person, at the above address with postage fully prepaid.



Edwin C. Barney
Saikley, Garrison, Colombo & Barney, LLC
208 West North Street, P. O. Box 6
Danville, Illinois 61832
Telephone: (217) 442-0244
Facsimile: (217) 442-0582