

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

APR 15 2010

STATE OF ILLINOIS
Pollution Control Board

PERRY COUNTY SOLID WASTE)
MANAGEMENT DEPT.,)
)
Complainant)
)
v)
)
PERRY RIDGE LANDFILL, INC.,)
)
Respondent.)

No. AC 10-17
(PCSWMD No. 2010-1001:
1450105039

NOTICE OF FILING AND PROOF OF SERVICE

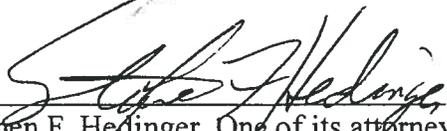
PLEASE TAKE NOTE that on April 13, 2010 I sent via U.S. Mail, with first class postage affixed, a true and correct copy of an Amended Petition for Review and Notice of Filing to:

Perry County State's Attorney Office
Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274.

Similarly, on April 13, 2010 the original and nine (9) copies of an Amended Petition for Review and Notice of Filing were mailed via U.S. Mail, with first class postage affixed, to:

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

PERRY RIDGE LANDFILL, INC.

By: 
Stephen F. Hedinger, One of its attorneys

Stephen F. Hedinger
Sorling, Northrup, Hanna, Cullen & Cochran, Ltd.
607 East Adams Street, Suite 800
P.O. Box 5131
Springfield, IL 62705
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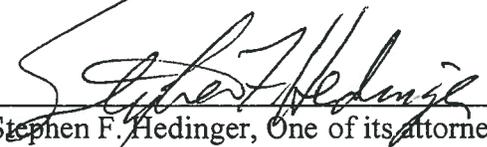
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ENTRY OF APPEARANCE

Sorling, Northrup, Hanna, Cullen & Cochran, Ltd. and Stephen F. Hedinger, hereby enter their appearance in this case as counsel on behalf of Respondent, PERRY RIDGE LANDFILL, INC..

April 13, 2010

PERRY RIDGE LANDFILL, INC.

By: 
Stephen F. Hedinger, One of its attorneys

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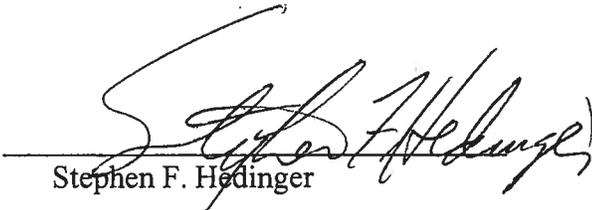
PROOF OF SERVICE

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Stephen F. Hedinger

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AMENDED PETITION FOR REVIEW

Now comes PERRY RIDGE LANDFILL, INC., by Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., its attorneys and petitions for review of the Administrative Citation entitled above, and in support thereof states as follows:

FACTS

1. Respondent admits it is the permitted operator of a facility located at 6305 Sacred Heart Road, DuQuoin, Perry County, Illinois but denies it is the owner of said facility.
2. Respondent admits that Mike Whitlock is the Certified Operator of the above-referenced facility.
3. Respondent admits the allegations contained in Paragraph 3.
4. Respondent admits that it has operated said facility at all times pertinent hereto, but denies that it has ever been the owner of the facility.
5. Respondent admits that a representative of the Perry County Solid Waste Management Dept. inspected the above-facility but does not have sufficient knowledge or information with which to form a belief as to whether the inspection report attached is the report prepared on that date.

6. Respondent admits receiving the Notice of Filing of Administrative Citation on February 17, 2010 and does not have information sufficient to form a belief as to the date said Notice of Filing was mailed, nor the accuracy of the certified mail numbers.

VIOLATIONS

- (1) Respondent denies that uncovered refuse from a previous operating day existed.
- (2) Respondent denies that it failed to collect and contain litter at the end of the operating day.

REQUEST FOR REVIEW

A. The inspection report narrative states that the inspection took place between 2:54 p.m. and 4:54 p.m. on January 14, 2010 and states in pertinent part:

"The scattered litter is not from the current operating day and has been in this location repeatedly."

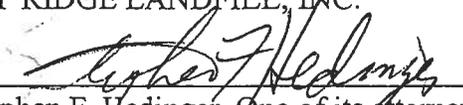
The inspection report fails to state with specificity how the inspector was able to determine that the scattered litter, which was observed between 2:54 p.m. and 4:54 p.m. was not from the current operating day. The allegation that the scattered litter has been in this location "repeatedly" is not supported by dates and supporting evidentiary data, nor is any evidence given that this is the same "scattered litter" from alleged prior dates.

B. The inspector left the site before it closed for the day and therefore has no knowledge that litter was not collected and contained.

WHEREFORE, PERRY RIDGE LANDFILL, INC. respectfully requests a hearing to review the allegations in the administrative citation and to allow the Respondent to present evidence rebutting said allegations.

April 13, 2010

PERRY RIDGE LANDFILL, INC.

By: 
Stephen F. Hedinger, One of its attorneys

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