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APR 19 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)

Complainant,)

vs.)

ARYLYN RAY d/b/a ARLYN RAY)
CONSTRUCTION, TOM ROMERO)
d/b/a ARYLYN RAY EXTERIORS,)
ROBERT J. ADAMS AND)
RITA M. ADAMS,)

Respondents.)

AC 04-57

(IEPA No. 109-04-AC)

APPEARANCE AND NOTICE OF FILING

To: Michelle M. Ryan
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 61794-9276

Arlyn Ray
d/b/a Arlyn Ray Exteriors
303 B Georgia Parkways
Washington, Illinois 61571

Robert and Rita Adams
1776 County Rd., 850 E
Metamora, Illinois 61548

PLEASE TAKE NOTICE THAT I hereby file my appearance in this proceeding on behalf of Tom Romero and have today filed with the Office of the Clerk of the Illinois Pollution Control Board a Petition of Respondent Tom Romero for Review and/or to Contest the Administrative Citation, a copy of which is herewith served upon you.

MCEACHERN & DICKHAUS, LC

By: Timothy A. McGuire

Timothy A. McGuire # 6194855
1750 S. Brentwood Blvd., Ste. 300
St. Louis, Missouri 63144
(314) 962-9000
FAX (314) 962-5083
Attorneys for Respondent Tom Romero

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the attached Appearance and Notice of Filing was delivered via first class mail to Michelle M. Ryan, Division of Legal Counsel, Illinois Environmental Protection Agency, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield, Illinois 61794-9276, Robert and Rita Adams, 1776 County Rd., 850 E, Metamora, Illinois 61548 and Arlyn Ray d/b/a Arlyn Ray Exteriors, 303 B Georgia Parkway, Washington, Illinois 61571 on this the 15 day of April, 2004.

Timothy A. McGuire
Timothy A. McGuire

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STATE OF ILLINOIS
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Respondents.)

AC 04-57

(IEPA No. 109-04-AC)

**PETITION OF RESPONDENT TOM ROMERO FOR REVIEW AND/OR TO
CONTEST ADMINISTRATIVE CITATION**

COMES NOW, Respondent Tom Romero and for his Petition for Review and/or
To Contest Administrative Citation issued, in the above referenced matter states as
follows;

1. Respondent Tom Romero is an individual residing in the State of Kansas.
2. Arlyn Ray Exteriors, LLC is an Illinois limited liability company
registered to do business in the State of Illinois performing roofing and other
construction related services.
3. Respondent Romero is a managing member of Arlyn Ray Exteriors, LLC.
4. Respondent Romero has been improperly named as a party to this
proceeding and improperly served in that the Complainant is attempting to pierce the
corporate veil of a valid and licensed limited liability company doing business in the

State of Illinois and subject an individual to liability of a limited liability company.

Respondent Romero has not performed any roofing or construction related services in the State of Illinois.

5. Respondent Romero did not allow the open dumping of waste in a manner resulting in litter on the property located at 1776 Country Road 850 E (hereinafter the "Property").

6. Respondent Romero did cause or allow the open dumping of waste in a manner resulting in open burning on the Property.

7. Respondent Romero did not cause or allow the deposition of waste in standing or flowing water on the Property.

8. Respondent Romero did not cause or allow the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris on the Property.

9. No one employed by Respondent Romero caused or allowed the open dumping of waste in a manner resulting in litter, caused or allowed the open dumping of waste in a manner resulting in open burning, caused or allowed the deposition of waste in standing or flowing waters, or caused or allowed the dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demotion debris on the Property.

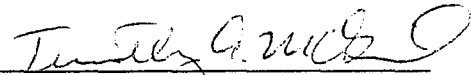
10. The Complainant has not cited any facts in its citation or report specifically designating any item of litter, burning, waste or debris which was caused, left or dumped by Respondent Romero.

11. Respondent Romero does not own the subject property.

12. The statements attributed to Bob Millie in the Complainant's report are false, untrue and have been denied by Bob Millie.

WHEREFORE, Respondent Tom Romero prays that the Administrative Citation issued against him in the above referenced matter be dismissed, dissolved and set aside and for such other and further relief as this Board deems just and proper.

MCEACHERN & DICKHAUS, LC

By: 

Timothy A. McGuire # 6194855
1750 S. Brentwood Blvd., Ste. 300
St. Louis, Missouri 63144


Tel.: (314) 962-9000

FAX (314) 962-5083

Attorneys for Respondent Tom Romero

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the actual Petition of Respondent Tom Romero for review and/or to Contest Administrative Citation was delivered via first class mail to Michelle M. Ryan, Division of Legal Counsel, Illinois Environmental Protection Agency, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield, Illinois 61794-9276, Robert and Rita Adams, 1776 County Rd. 850 E, Metamora, Illinois 61548 and Arlyn Ray d/b/a Arlyn Ray Exteriors, 303 B Georgia Parkway, Washington, Illinois 61571 on this the 15th day of April, 2004.



Timothy A. McGuire