

CITIZEN'S ENFORCEMENT CASE
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

MARK LILLY)
Complainant)
ORIGINAL) PCB 12-16
v.)
CITY OF ROCK FALLS, IL) **Objection to Motion to Dismiss**
Respondent)

“Respondent’s Motion Requesting That IPCB Not Accept Complaint For Hearing” absolutely fails, for unknown reasons, to address the crux of the argument presented in PCB 12-16. This renders all assertions contained in the motion specious at best.

The statement that the complaint does not allege violations of the Illinois Environmental Protection Act or Board Regulations is patently false. Clearly listed violations of both, and facts supporting those allegations, appear in the complaint.

It is pure artifice for Respondent to characterize a randomly selected, incidental statement from the complaint as an allegation and then offer a scripted rebuttal to that ruse while evading discussion of plainly delineated claims.

The complaint nowhere requests the Board to invalidate ordinances, or to order the adoption or enforcement of specific policies or regulations as Respondent insists. The complaint unmistakably requests the payment of money only for violations proved. *City of Lake Forest v. Pollution Control Board* is therefore totally irrelevant.

The issue is not whether the City of Rock Falls can be forced to prohibit the described burning. The claim made is that while Rock Falls may choose this waste disposal option, it is not cost free. Civil penalties can be assessed against prohibited burning. The Board’s authority to grant this relief is specifically outlined in 415 ILCS 5/42.

Respondent wholly misrepresents the complaint and rebuts invented absurdities with invalid rationale. The Board is then asked to accept this disingenuous drivel as a legitimate basis for ruling an otherwise valid complaint frivolous. Complainant asks the Board to deny this meritless motion and allow a hearing on this matter.

Mark Lilly

Mark Lilly
508 Culver Street
Rock Falls, IL 61071

AUG 19 2011

CERTIFICATE OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

I, the undersigned, on oath or affirmation, state that on August 18, 2011,
I served the attached objection to motion to dismiss on the respondent by

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otherwise you must file affidavit later with Clerk)

at the address below:

ORIGINAL

RESPONDENT'S ADDRESS:

Richard A. Palmer – Ward, Murray, Pace & Johnson, P.C.

202 East 5th Street

Sterling, IL 61081

Mark Lilly
Complainant's signature

508 Culver Street

Rock Falls, IL 61071

Subscribed to and sworn before me

this 18 day

of August, 2011.

Lori Downie
Notary Public

My commission expires: 10-19-13



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