

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE  
OCT 31 2011  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
ASHWIN P. & MITA A. PATEL, )  
 )  
Respondents. )

AC 12-3  
(IEPA No. 255-11-AC)

NOTICE OF FILING

To: Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, Illinois 62794-9278

ORIGINAL

PLEASE TAKE NOTICE that on October 28, 2011 the undersigned by third party carrier, United Parcel Service, mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled PETITION FOR REVIEW and AFFIDAVIT.

Respectfully submitted,  
*Frances E. Salimi*  
Frances E. Salimi, Attorney for  
Ashwin P. & Mita A. Patel

Frances E. Salimi  
Attorney at Law  
Atty No. 6238012  
907 North Court Street  
Marion, Illinois 62959  
(618) 998-8661  
Fax: (618) 998-8662  
E-mail: [fsalimi@mchsi.com](mailto:fsalimi@mchsi.com)

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

ASHWIN P. & MITA A. PATEL,

Respondents.

AC

(IEPA No. 255-11-AC)

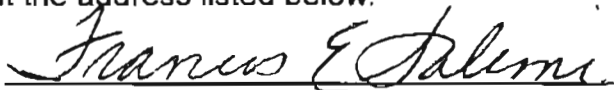
12-3  
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Pollution Control Board

RIGINA

**NOTICE OF APPEARANCE**

To: Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, Illinois 62794-9278

The undersigned attorney, Frances E. Salimi, hereby enters her appearance on behalf of the Respondents, ASHWIN P. PATEL and MITA A. PATEL, and further requests all further pleadings to be served at the address listed below.



Frances E. Salimi  
Attorney at Law  
Atty No. 6238012  
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PETITION FOR REVIEW

NOW COMES the Respondents, ASHWIN P. PATEL and MITA A. PATEL, by and through their attorney, Frances E. Salimi, and, for their Petition for Review, state as follows:

1. That on or about September 14, 2011 the Illinois Environmental Protection Agency filed an Administrative Citation against the Respondents, Ashwin P. Patel and Mita A. Patel.

2. That said Citation alleged that the Respondents were in Violation of the Illinois Environmental Protection Act in that they:

- a. Caused or allowed the open dumping of waste in a manner resulting in litter;
- b. Caused or allowed the open dumping of waste in a manner resulting in open burning;
- c. Caused or allowed the open dumping of waste in manner resulting in Deposition of General Construction or Demolition Debris; or Clen Constructon or Demolition Debris.

3. That prior to the issuance of the Administrative Citation, the Respondents were notified of the problems listed above in a letter from the Illinois Environmental Protection Agency Marion Regional Office on August 30, 2011.

4. That, based upon this correspondence, the Respondents undertook to clean up the problems that were identified in the report attached to the letter.

5. That the Respondents failed to inform the Marion Regional Office of the clean up and failed to file any appropriate documents to provide evidence of the clean up that took place. Such failure to contact and conform to the law was not done purposely nor was it done intentionally, but such failure was due to ignorance of the procedures required by the Illinois Environmental Protection Agency.

6. That some of the problems identified by the Illinois Environmental Protection Agency were existing on the property prior to purchase.

7. That some of the problems identified by the Illinois Environmental Protection Agency were caused by wind damage relating to the May 8, 2009 storm.

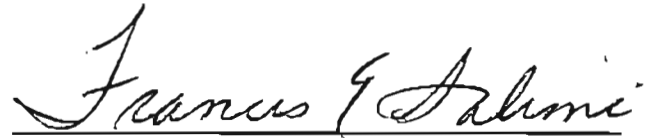
8. That the Respondent, Ashwin P. Patel, has provided pictures that are attached to this Petition for Review that provide evidence that the property has been cleaned and all issues that had been identified in the inspection report dated August 17, 2011 have been remediated.

WHEREFORE the Respondents, ASHWIN P. PATEL and MITA A. PATEL:

A. Request that the Illinois Pollution Control Board grant their Petition for Review;

B. Find that the Respondents are no longer in violation of the Illinois Environmental Protection Act and, therefore, not subject to any civil penalty.

Respectfully submitted,

A handwritten signature in cursive script that reads "Frances E. Salimi". The signature is written in black ink and is positioned above a horizontal line.

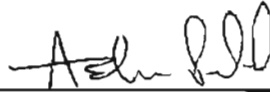
Frances E. Salimi, Attorney for  
Ashwin P. Patel and Mita A. Patel

Frances E. Salimi  
Attorney at Law  
Atty No. 6238012  
907 N. Court Street  
Marion, Illinois 62959  
(618) 998-8661  
Fax: (618) 998-8662  
E-mail: [fsalimi@mchsi.com](mailto:fsalimi@mchsi.com)

STATE OF ILLINOIS            )  
  ) ss  
COUNTY OF WILLIAMSON    )

**VERIFICATION**

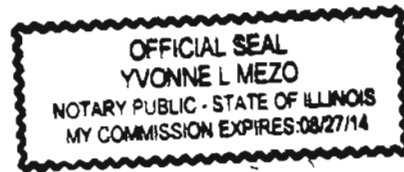
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



ASHWIN P. PATEL

SUBSCRIBED AND SWORN TO before me  
this 28<sup>th</sup> day of October, 2011.

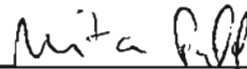
  
Notary Public



STATE OF ILLINOIS            )  
  ) ss  
COUNTY OF WILLIAMSON    )

**VERIFICATION**

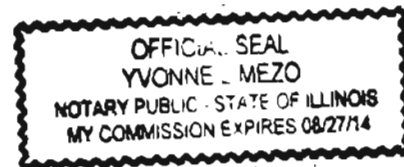
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.



MITA A. PATEL

SUBSCRIBED AND SWORN TO before me  
this 29<sup>th</sup> day of October, 2011.

  
Notary Public





















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AC **2-3**  
(IEPA No. 255-11-AC)



AFFIDAVIT

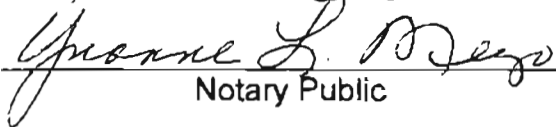
STATE OF ILLINOIS )  
 )ss  
COUNTY OF WILLIAMSON )

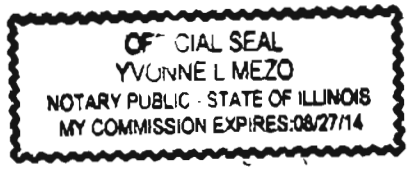
I, Ashwin P. Patel, having been first duly sworn, do hereby state as follows:

1. That I am one of the Respondents named in the Administrative Citation filed by the Illinois Environmental Protection Agency on or about September 14, 2011.
2. That the violations that have been lodged against me in the Administrative Citation were taken care of by me and my workers prior to the issuance of said Citation.
3. That I have produced photographs to substantiate the clean up and removal of the materials complained of in the Citation and these photographs are attached to the Petition for Review.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
ASHWIN P. PATEL

SUBSCRIBED and SWORN TO before me  
this 28<sup>th</sup> day of October 2011.  
  
\_\_\_\_\_  
Notary Public



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(IEPA No. 255-11-AC)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petition for Review, Affidavit, Notice of Filing and Notice of Appearance was prepared and

- deposited for mailing in the United States Post Office at Marion, Illinois; the same having been properly enclosed in an envelope with postage fully prepaid;
- delivered to a third-party commercial carrier enclosed in a package with the delivery charge fully prepaid;
- sent via facsimile ( \_\_ pages, from the office of Frances E. Salimi, sender's facsimile number (618) 998-8662, to recipient's facsimile number \_\_\_\_\_.

and addressed to the below named parties and/or attorneys of record on this 28th day of October, 2011.

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, Illinois 62794-9278

BY: Frances E. Salimi  
Frances E. Salimi



**FRANCES E. SALIMI**  
ATTORNEY AT LAW

907 NORTH COURT STREET  
MARION, ILLINOIS 62959



TELEPHONE: (618) 998.8661  
FACSIMILE: (618) 998.8662

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STATE OF ILLINOIS  
Pollution Control Board

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

ORIGINAL  
AC 12-3

RE: Illinois Environmental Protection Agency vs. Patel  
IEPA #255-11-AC

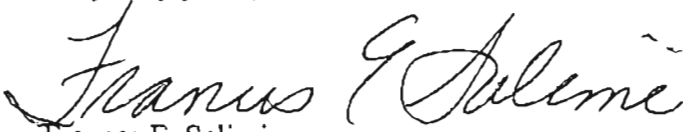
Dear Clerk:

Enclosed please find a Petition for Review, Affidavit, Notice of Filing, and Notice of Appearance in the above-referenced matter.

I would ask that you please file stamp the extra copies of the documents and return those back to my office in the envelope provided for your convenience. In the event your office does not file-stamp documents, please send the extra-copies back to my office with verification that you received them.

Thanking you, I remain,

Very truly yours,

  
Frances E. Salimi

FES:ylm

Enclosures

cc: Illinois Environmental Protection Agency