

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,) AC-2012-051
) (EPA No. 87-12-AC)
Complainant,)
)
v.)
)
NORTHERN ILLINOIS)
SERVICE COMPANY,)
)
Respondent.)

NOTICE OF FILING

TO: Illinois Environmental Protection Agency
ATTENTION: DIVISION OF LEGAL COUNSEL
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have electronically filed with the Office of the Clerk of the Pollution Control Board the Petition for Review of NORTHERN ILLINOIS SERVICE COMPANY, Respondent herein, a copy of which is herewith served upon you.

NORTHERN ILLINOIS SERVICE COMPANY,
Respondent,

By Peter DeBruyne, P.C.

By 
Peter DeBruyne, Its Attorney

Peter DeBruyne
Peter DeBruyne, P.C.
838 North Main Street
Rockford, IL 61103
Telephone (815) 964-3810
Fax (815) 964-3813
Email: pdebruyne@sbcglobal.net

CERTIFICATE OF SERVICE

I hereby certify that I did on the 11th day of June, 2012, by regular mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the foregoing Notice of Filing on the following:

Illinois Environmental Protection Agency
ATTENTION: DIVISION OF LEGAL COUNSEL
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

A handwritten signature in black ink, appearing to read 'Peter DeBruyne', is written over a horizontal line. The signature is stylized with a large initial 'P' and a long, sweeping underline.

Peter DeBruyne

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	AC 2012-051
PROTECTION AGENCY,)	
)	(IEPA No. 87-12-AC)
Complainant,)	
)	
v.)	
)	
NORTHERN ILLINOIS)	
SERVICE COMPANY,)	
)	
Respondent.)	

PETITION FOR REVIEW

NORTHERN ILLINOIS SERVICE COMPANY, Respondent herein, by its attorney, Peter DeBruyne, P.C., hereby petitions for review of the Administrative Citation and states in support hereof:

RESPONSE TO FACTS

1. It admits that the Respondent is the current owner of the facility located at 4781 Sandy Hollow Road, Rockford, Winnebago County, Illinois. It neither admits nor denies the remaining allegations of paragraph 1 inasmuch as it is without knowledge as to the truth or falsity of the remaining allegations.

2. It denies the facility is an open dump and neither admits nor denies the remaining allegations of paragraph 2 inasmuch as it is without knowledge as to the truth or falsity of the remaining allegations.

3. It admits the allegations of paragraph 3.

4. It admits that on March 14, 2012, Donna Shehane inspected the above-described facility but neither admits nor denies the remaining allegations of paragraph 4 inasmuch as it is without knowledge as to the truth or falsity of the remaining allegations.

5. It admits the allegations of paragraph 5 of the Administrative Citation.

RESPONSE TO VIOLATIONS

(1). It denies the allegations of the violations set forth as “(1)” because Respondent did not cause or allow “open dumping,” did not dump “waste,” and its activities did not result in “litter” as alleged in “(1).”

(2). It denies the allegations of the violations set forth as “(2)” because Respondent did not cause or allow “open dumping,” and did not dump “waste.”

(3) It neither admits nor denies the allegations of the violations set forth as “3” as it is without knowledge as to the truth or falsity of the allegations; further answering, assuming any such violation did exist, it was de minimis and thus Respondent denies a violation of Section 55(k)(1) of the Act.

AFFIRMATIVE DEFENSES

1. That the violations alleged in paragraphs “(1)” and “(2)” of the “Violations” section of the Administrative Citation are duplicative of one another and thus should be dismissed.

Wherefore, Respondent, by its attorney, Peter DeBruyne, P.C., respectfully prays that the Administrative Citation be dismissed with prejudice.

NORTHERN ILLINOIS SERVICE COMPANY,

Respondent,

By Peter DeBruyne, P.C.

By 
Peter DeBruyne, Its Attorney

Peter DeBruyne
Peter DeBruyne, P.C.
838 North Main Street
Rockford, IL 61103
Telephone (815) 964-3810
Fax (815) 964-3813
Email: pdebruyne@sbcglobal.net

CERTIFICATE OF SERVICE

I hereby certify that I did on the 11th day of June, 2012, by regular mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the foregoing Petition for Review on the following:

Illinois Environmental Protection Agency
ATTENTION: DIVISION OF LEGAL COUNSEL
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276



Peter DeBruyne

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

)
) AC 2012-051
) (EPA No. 87-12-AC)

Complainant,

)

v.

)

NORTHERN ILLINOIS
SERVICE COMPANY,

)

)

)

)

Respondent.

)


)

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of NORTHERN ILLINOIS
SERVICE COMPANY, Respondent.

NORTHERN ILLINOIS SERVICE COMPANY,
Respondent,

By Peter DeBruyne, P.C.


By 
Peter DeBruyne, Its Attorney

Peter DeBruyne
Peter DeBruyne, P.C.
838 North Main Street
Rockford, IL 61103
Telephone (815) 964-3810
Fax (815) 964-3813
Email: pdebruyne@sbcglobal.net

CERTIFICATE OF SERVICE

I hereby certify that I did on the 11th day of June, 2012 by regular mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the foregoing Appearance on the following:

Illinois Environmental Protection Agency
ATTENTION: DIVISION OF LEGAL COUNSEL
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276


Peter DeBruyne