

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD NOV 0 7 2013

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	Pollution Control Board
Complainant,) AC 14-10
V.) (IEPA No. 169-13-AC)
DANIEL DAWSON,	
Respondent.	3 GRIGINAL

NOTICE OF FILING

TO: John Therriault, Clerk

Pollution Control Board James R. Thompson Center 100 West Randolph Street

Suite 11-500 Chicago, IL 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois

Pollution Control Board an ENTRY OF APPEARANCE OF DANIEL DAWSON and AMENDED

PETITION TO REVIEW ADMINISTRATIVE CITATION, copies of which are herewith served upon you.

Dated: November 2, 2013

Respectfully submitted,

Daniel B. Dawson Respondent

Daniel B. Dawson 13358 E 75 North Road P.O. Box 20 Heyworth, IL 61745 309-275-5175

CERTIFICATE OF SERVICE

I, Daniel B. Dawson, the undersigned, hereby certify that I have served the attached ENTRY OF

APPEARANCE OF DANIEL DAWSON and AMENDED PETITION TO REVIEW ADMINISTRATIVE

CITATION upon:

John Therriault, Clerk Pollution Control Board James R. Thompson Center 100 West Randolph Street Suite 11-500 Chicago, IL 60601 RECEIVED CLERK'S OFFICE

NOV 0 7 2013

STATE OF ILLINOIS
Pollution Control Board

ATTENTION: DIVISION OF LEGAL COUNSEL

Michelle M. Ryan, Assistant Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Heyworth, Illinois, on

November 2, 2013.

Daniel B. Dawson Respondent

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

CLERK'S OFFICE	
NOV 0 7 2013	

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) STATE OF ILLINOIS Pollution Control Board
Complainant,) AC 14-10
v.) (IEPA No. 169-13-AC)
DANIEL DAWSON,	
Respondent.	3

ENTRY OF APPEARANCE OF DANIEL DAWSON

NOW COMES Daniel Dawson, Respondent, and hereby enters his appearance in this matter.

Dated: November 2, 2013

Respectfully submitted,

Daniel B. Dawson Respondent

Daniel B. Dawson 13358 E 75 North Road P.O. Box 20 Heyworth, IL 61745 309-275-5175

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

CLERK'S OFFICE
NOV 0 7 2013
STATE OF ILLINOIS Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) Pollution Control Board
Complainant,	AC 14-10
v.	(IEPA No. 169-13-AC)
DANIEL DAWSON,	}
Respondent.	}

AMENDED PETITION TO REVIEW ADMINISTRATIVE CITATION

NOW COMES Respondent, Daniel Dawson, hereby requests a review of the Administrative Citation ("AC") issued by Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("IEPA"), in the above-entitled case and in support thereof, states as follows:

- On or about April 8, 2013, Dustin Burger, field inspector for the IEPA, went to the Respondent's residence located at 13358 E 75 North Rd, in Heyworth, IL, after receiving a complaint alleging illegal dumping and burning on said property. Mr. Burger was allowed to inspect, and made the respondent's wife ("Mrs. Dawson") aware of the presence of violations.
- On or about July 5, 2013, the respondent made an effort to clear the site in accordance with the violations that were stated in the IEPA Open Dump Inspection Checklist mailed to him on April 24, 2013. The respondent was not aware that Mr. Burger had performed a reinspection on July 2, 2013.
- 3. As stated in the Narrative Inspection Report submitted by Mr. Burger, when he conducted his reinspection on July 2, 2013, no one was home and he observed no new evidence of continued burning or dumping at the sight. Respondent believes this observation supports his claim that he was attempting to comply with the order and statutes regarding this site after being made aware of them.

 AMENDMENT: Because no one was home on July 2, Mr. Burger was not given permission to reinspect the site in question. As the site is not readily observable from the house or the driveways of the property, Mr. Burger had to trespass in order to reinspect the property at that time.
- On or about August 22, 2013, Mr. Burger went to the respondent's residence and
 presented Mrs. Dawson with the above referenced AC and accompanying documents. At that time, Mrs.

Dawson informed Mr. Burger the site had been cleaned up. Mr. Burger was allowed to reinspect. He

presented Mrs. Dawson with digital images on his phone of a few items which were not completed in a

satisfactory manner.

5. On August 23, 2013, the respondent cleared the remaining debris as instructed by Mr.

Burger, and forwarded digital images of the completely cleared site to him by email at

<u>Dustin.Burger@illinois.gov</u> *AMENDMENT:* Copies of those images are attached.

AMENDMENT: WHEREFORE, as the respondent, Daniel Dawson, had a responsible

expectation of privacy, and feels that Mr. Burger should not have entered his property on July 2, 2013

without permission, and further believes if Mr. Burger would have returned a few days later to do the

inspection, no Administrative Citation would have been issued, and

WHEREFORE, as the respondent, Daniel Dawson, has now fully complied with the Illinois

Environmental Protection Agency's order to clear the site, the respondent requests that the Illinois

Pollution Control Board enter an order dismissing the Administrative Citation, and denying the civil

penalties and other relief sought therein.

Dated: November 2, 2013

Respectfully submitted,

Daniel B. Dawson

Respondent

Daniel B. Dawson 13358 E 75 North Road P.O. Box 20 Heyworth, IL 61745 309-275-5175

