

**Before the Illinois Pollution Control Board and Illinois Environmental Protection Agency
Illinois**

IN THE MATTER OF:)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant)
)
 v.)
)
 STEVEN and ANTHONY SOHN,)
)
 Respondents.)

AC 14-21 FEB 07 2014
 STATE OF ILLINOIS
 Pollution Control Board
 (IEPA No. 338-13-AC)

 ORIGINAL

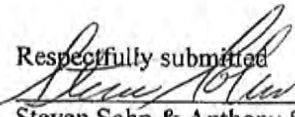

NOTICE OF FILING

To: Clerk of the Illinois Pollution Control Board
 James R. Thompson Center,
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601

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 CLERK'S OFFICE
 FEB 07 2014

STATE OF ILLINOIS
 Pollution Control Board

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of
 Pollution Control Board of the State of Illinois the following instruments(s) entitled
 REVISED PETITION FOR REVIEW, ORIGINAL PETITION FOR REVIEW and
 CERTIFICATE OF SERVICE.

Respectfully submitted


 Steven Sohn & Anthony Sohn
 Respondents

Steven and Anthony Sohn
 709 Maine Street
 Quincy, IL 62301

Dated: February 2, 2014

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CERTIFICATE OF SERVICE

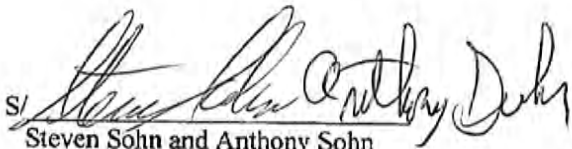
We, Steven and Anthony Sohn, non-attorneys, hereby certify that on the 7th day of February, 2014, before 5:00 p.m. send a paper copy of the following instrument(s): NOTICE OF FILING, ORIGINAL PETITION for REVIEW, AMENDED PETITION for REVIEW and CERTIFICATE OF SERVICE as required by 415 ILCS 5/42(b)(4-5)(2012); 35 Ill. Adm. Code 108.500 by Certified U.S. Mail, proper postage pre-paid, deposited in the U.S. mail depository at 200 N 8th St, Quincy, IL 62301.

STATE OF ILLINOIS
Pollution Control Board

To: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instruments on the same date by Certified U.S. Mail, proper postage pre-paid, deposited in the U.S. mail depository at 200 N 8th St, Quincy, IL 62301.

To: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

By: S/ 
Steven Sohn and Anthony Sohn
Non-Attorneys

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 ILLINOIS ENVIRONMENTAL)
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 AC 14-27 FEB 07 2014
 (IEPA No. 338-13-AC)
 STATE OF ILLINOIS
 Pollution Control Board

PETITION FOR REVIEW AND WAIVER OF ADMINISTRATIVE CITATION CIVIL PENALTY

To: Clerk of the Illinois Pollution Control Board
 James R. Thompson Center,
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601

INTRODUCTION

On January 9th, 2014, the Illinois Environmental Protection Agency ("IEPA") ("Complainant") responded to a Petition for Review filed by Steven and Antony Sohn ("Respondents") on December 24, 2014. The IEPA identified that deficiencies existed in the December 24, 2014 petition and requested an amended petition.

Pursuant to 415 ILCS 5/31.1(b) (2012), respondents have amended the petition for review of the administrative citation, AC 14-27 (IEPA No. 338-13-AC), concerning respondents facility located on the south side of 372nd Avenue, ¼ mile west of the intersection of Perry Fishhook Road and 372nd Avenue, Fishhook, Pike County commonly known as the "Fairmount Township/Sohn site" and designated with Site Code #14980600004. ("The Property")

GROUND FOR REVIEW

In response to the October 10, 2013 violation of Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1)(2012)) respondents believe that in accordance with Ill. Adm. Code

108.206(b), Ill. Adm. Code 108.206(d) they are not responsible for the statutory \$1,500 civil penalty for the alleged violation.

Petitions respectfully requests Board review the following grounds:

- (1) Ill. Adm. Code 108.206(b) petitioners did not cause or allow the alleged violation. Violations of 415 ILCS 5/21(o), 21(p), 22.51a, 31.1©, 42(b)(4), 42(b)(4-5), 55(k)(2012); 35 Ill. Adm. Code 108 occurring at The Property were not caused or allowed by the respondents. The alleged violation "Dumping in a manner that resulted in litter" occurred prior to December 2007 at which time the property listed in the citation transferred to the ownership of the respondents.
- (2) Ill. Adm. Code 108.206(d) the alleged violation was the result of uncontrollable circumstances. Violations of 415 ILCS 5/21(o), 21(p), 22.51a, 31.1©, 42(b)(4), 42(b)(4-5), 55(k)(2012); 35 Ill. Adm. Code 108. Without the permission of Steven or Anthony Sohn, dumping of litter has occurred at the property.

Respondents ask that after considering the grounds listed above that the Illinois Pollution Control Board waive the Administrative Citation and Civil Penalty of \$1500.00 and any associated hearing costs incurred by the Illinois Environmental Pollution Agency and Illinois Pollution Control Board.

STATEMENT OF FACTS

Respondents have begun efforts to remove and dispose of litter, that they did not cause, at their own expense. Respondents should not be held responsible for Citation Penalties and the expense of disposal should be considered prior to levying this additional judgment as these violations occurred with out the respondents consent.

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Respondents have placed signs to mitigate further "FLY" dumping in this area. While this has helped it has not completely mitigated the problem. Respondent would also like to note that additional debris has been dumped in this area as a result of roadwork completed. These items include drainage piping and other debris from road construction.

Due to medical challenges that Anthony Sohn experienced beginning in 2011 and continuing on through the present, progress on cleanup has been slowed. Steven and Anthony Sohn intend to comply with the original plan set fourth in the Original Petition for Review.

PLAN OF ACTION

Respondents will complete cleanup of affected area by September 30, 2014. Subject to the following:

- (1) Removal of tires will be completed by respondents and delivered to Ron's Tire in Quincy, IL for disposal.
- (2) Removal of all remaining appliances will be completed by respondents and delivered to Alter Scrape Metal in Quincy, IL for disposal.
- (3) Removal of debris (glass, carpet, vinyl, lumber, etc...) will be completed by respondents via dumpsters from Area Distributors and hauled to landfill.
- (4) Brush natural materials will be disposed of by burning.
- (5) Other work such as landscaping will be attempted to deter future dumping in this location.

COMPLETED WORK

Respondents have completed the following work:

- {1} Removal (1) stove, (1) freezer, (2) refrigerates, (1) microwave and many other pieces of scrap metal. All items disposed of at Alter Scrap Metals in Quincy, IL.

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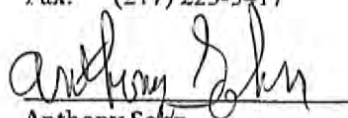
CONCLUSION

For the reasons presented in the Grounds for Review section of this petition, actions that have been taken and work that is planned we Steven and Anthony Sohn urge the Board to review the Administrative Citation and rescind the Cival Penalty that has been assessed.

Respectfully submitted, this 7th day of February, 2014.



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