

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JOHN E. LAVERDIERE and LAVERDIERE)
CONSTRUCTION, INC.)
)
Respondents.)

AC 15-36
(IEPA No. 106-15-AC)

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STATE OF ILLINOIS
Pollution Control Board

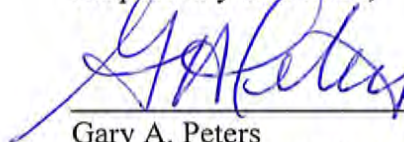
NOTICE OF APPEARANCE

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

Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

I hereby file my Notice of Appearance in this proceeding on behalf of Respondents, John E. Laverdiere and Laverdiere Construction, Inc.

Respectfully submitted,



Gary A. Peters
Howard & Howard Attorneys PLLC
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, Illinois 61602-1350
(309) 672-1483

Dated: June 4, 2015

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(IEPA No. 106-15-AC)

PETITION FOR REVIEW

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

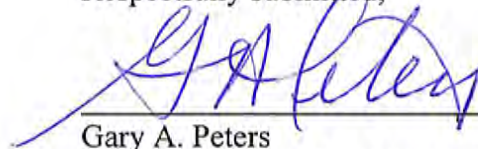
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

NOW COME Respondents, John E. Laverdiere and Laverdiere Construction, Inc., by and through their attorneys Howard & Howard Attorneys PLLC, and hereby formally petition the Board for a review of the Administrative Citation, Affidavit and Open Dump Inspection Check List issued by Illinois EPA and cited above. The Respondents believe that the Administrative Citation was improperly issued for the following reasons, and in support thereof, state their reasons as follows:

1. Respondent Laverdiere Construction, Inc. does not own the property.
2. The Respondents did not intentionally cause or allow the alleged violations.
3. The Administrative Citation was not timely filed or properly served.
4. The alleged violations which are the subject of the Administrative Citation were the result of uncontrollable circumstances.

WHEREFORE, based on the foregoing and other reasons which may be developed to support Respondents' Petition for Review, Respondents request that the Administrative Citation be dismissed without costs to the Respondents.

Respectfully submitted,



Gary A. Peters
Howard & Howard Attorneys PLLC
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, Illinois 61602-1350
(309) 672-1483

Dated: June 4, 2015

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Assistant Counsel
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Chicago, Illinois 60601

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2015, I served the foregoing **Notice of Filing, Notice of Appearance and Petition for Review** via U.S. Postal Service First Class Mail on:

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

Respectfully submitted,

Gary A. Peters
Howard & Howard Attorneys PLLC
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, Illinois 61602-1350
(309) 672-1483

Dated: June 4, 2015

Howard & Howard

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Chicago

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Gary A. Peters

email: gap@h2law.com

Also admitted to practice in
Iowa, Michigan and Pennsylvania

June 4, 2015

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JUN - 8 2015

STATE OF ILLINOIS
Pollution Control Board

Clerk, Illinois Pollution Control Board

100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601



ORIGINAL

Re: AC 15-36 (IEPA No. 106-15-AC)

Dear Clerk:

Enclosed for filing is my Notice of Filing, Notice of Appearance and Petition for Review related to the above-referenced Administrative Citation. I have enclosed the original and six copies of these pleadings for filing. Please return a file-stamped copy to me in the enclosed envelope.

Sincerely,

HOWARD & HOWARD ATTORNEYS PLLC

Gary A. Peters

GAP/kah

Enclosure

cc: Michelle M. Ryan, Assistant Counsel

4832-1598-1092, v. 1