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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
-vs-)	IEPA Docket No. 375-06-AC
)	
BOBBY G. MYERS and DONALD D.)	
MYERS,)	
)	
Respondents.)	

AC07-30

NOTICE OF FILING

PLEASE TAKE NOTICE that on this day and date, I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois a PETITION FOR REVIEW, NOTICE OF FILING, CERTIFICATE OF SERVICE, and NOTICE OF APPEARANCE.

Dated this 6th day of February, 2007.

BOBBY G. MYERS
DONALD D. MYERS, Respondents

By: H. Wesley Wilkins
H. WESLEY WILKINS, their attorney

H. WESLEY WILKINS
Atty. Reg. No. 3127822
Attorney for Respondents
602 South Main Street
P. O. Box 691
Anna, IL 62906
(618) 833-7725
(618) 833-7727 (FAX)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

-vs-

BOBBY G. MYERS and DONALD D.
MYERS,

Respondents.

IEPA Docket No. 375-06-AC

ENTRY/NOTICE OF APPEARANCE

NOW COMES H. Wesley Wilkins, Attorney-at-Law, and hereby enters his appearance in this cause on behalf of the Respondents herein, being BOBBY G. MYERS and DONALD D. MYERS, and hereby requests that all further notices and/or pleadings in this cause be sent to him at the below-listed address.

Dated this 6th day of February, 2007.

BOBBY G. MYERS
DONALD D. MYERS, Respondents

By: H. Wesley Wilkins
H. WESLEY WILKINS, their attorney

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COPY

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
-vs-)	IEPA Docket No. 375-06-AC
)	
BOBBY G. MYERS and DONALD D.)	
MYERS,)	
)	
Respondents.)	
)	

PETITION FOR REVIEW

NOW COMES BOBBY G. MYERS and DONALD D. MYERS, being the Respondents herein, by and through their attorney, H. Wesley Wilkins, and pursuant to 415 ILCS 5/31/1 (2004), hereby contests and objects to the Administrative Citation issued to the Respondents in this cause, and as grounds therefore, respectfully states as follows:

1). That contrary to the allegations contained in the Complaint and Affidavit filed herein, the real property upon which the alleged "open dump", identified as Site Code No. 1818515003, is located, is owned solely by Donald D. Myers, one of the Respondents herein, with the adjacent property being owned in equal shares by Harold Myers, Barbara Cerney, Donald D. Myers and Bobby G. Myers, being the children and surviving heirs of their parents, who previously owned/occupied said property.

2). That the named Respondent, Bobby G. Myers, has never operated any open dump or any salvage operation upon said real property, at anytime.

3). That said site has, in fact, been operated by Donald D. Myers for more than forty (40) years as a salvage yard, not as an "open dump" as alleged in the Complaint and/or Citation issued herein.

4). That the Respondents have never allowed or caused the open dumping of waste on said real property, in any manner, which has resulted in any open burning as alleged in the Complaint/Citation filed herein.

5). That the alleged "facts" upon which said Complaint/Citation is based are so factually incorrect that the same cannot stand and should be dismissed.

6). That while Respondents acknowledge that the property is unsightly, said property is in no worse condition nor any more violative of EPA standards and/or other environment laws, rules and/or regulations than are dozens of other parcels of property located throughout Union County, Illinois, such that the issuance and prosecution of this Complaint/Citation in this cause constitutes selective enforcement of the laws, rules and regulations of the State of Illinois against the Respondents.

NOW THEREFORE, the Respondents hereby pray for the following relief:

- A. That the Complaint/Citation filed herein be dismissed, with prejudice.
- B. That in the alternative, that any and all allegations against Bobby G. Myers, being one of the Respondents herein, be dismissed and/or he should be removed as a party to these proceedings.
- C. For such other and further relief as is deemed just and proper.


Dated this 6th day of February, 2007.

BOBBY G. MYERS
DONALD D. MYERS, Respondents

By: 
H. WESLEY WILKINS, their attorney

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois 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 matters the undersigned certifies as aforesaid that each verily believes the same to be true.


BOBBY G. MYERS, Respondent


DONALD D. MYERS, Respondent

H. WESLEY WILKINS
Atty. Reg. No. 3127822
Attorney for Respondents
602 South Main Street
P. O. Box 691
Anna, IL 62906
(618) 833-7725
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CERTIFICATE/PROOF OF SERVICE

I, the undersigned, hereby certify that on the day and date hereinafter affixed, I did send by Overnight and/or Certified Mail, Return Receipt Requested, with postage and/or all delivery costs thereon being fully prepaid, by depositing in the United States Post Office Box at the Post Office in Anna, Illinois, a true and correct copy of the following instrument(s) entitled PETITION FOR REVIEW, NOTICE OF FILING, CERTIFICATE/PROOF OF SERVICE and NOTICE/ENTRY OF APPEARANCE.

TO: Clerk of the Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

IEPA Division of Legal Counsel
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

Dated this 6th day of February, 2007.



H. WESLEY WILKINS, Respondents attorney

H. WESLEY WILKINS
Atty. Reg. No. 3127822
Attorney for Respondents
602 South Main Street
P. O. Box 691
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