

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAR 03 2010

STATE OF ILLINOIS
Pollution Control Board

PERRY COUNTY SOLID WASTE)
MANAGEMENT DEPT.,)
)
Complainant)
)
v)
)
PERRY RIDGE LANDFILL, INC.)
)
Respondent)

NO. AC 10-17
(PCSWMD NO. 2010-1001: 1450105039)

NOTICE OF FILING

TO: John Therriault
Illinois Pollution Control
Board
100 West Randolph Street
Suite 11-500
Chicago IL 60601-3218

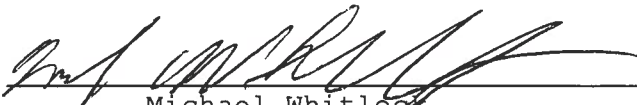
Perry County State's Attorney
Office
Perry County Courthouse
1 Public Square
Pickneyville IL 62274

PLEASE TAKE NOTICE that on the 24th day of February, 2010 I
mailed for filing with the Clerk of the Pollution Control Board of the
State of Illinois, Respondent's Petition for Review of Administrative
Citation.

Respectfully submitted,

PERRY RIDGE LANDFILL, INC.

By



Michael Whitlock
Certified Operator

Perry Ridge Landfill, Inc
6305 Sacred Heart Drive
DuQuoin IL 62832

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

MAR 03 2010

STATE OF ILLINOIS
Pollution Control Board

PERRY COUNTY SOLID WASTE)
MANAGEMENT DEPT.,)
)
Complainant)
)
v)
)
PERRY RIDGE LANDFILL, INC.)
)
Respondent)

NO. AC 10-17
(PCSWMD NO. 2010-1001: 1450105039)

PETITION FOR REVIEW

Now comes PERRY RIDGE LANDFILL, INC., by Michael Whitlock its Certified Operator, and petitions for review of the Administrative Citation entitled above, and in support thereof states as follows:

FACTS

1. Respondent admits it is the permitted operator of a facility located at 6305 Sacred Heart Road, DuQuoin, Perry County, Illinois but denies it is the owner of said facility.
2. Respondent admits that Mike Whitlock is the Certified Operator of the above-referenced facility.
3. Respondent admits the allegations contained in Paragraph 3.
4. Respondent admits that it has operated said facility at all times pertinent hereto, but denies that it has ever been the owner of said facility.
5. Respondent admits that a representative of the Perry County Solid Waste Management inspected the above-referenced facility but does not have sufficient knowledge or information with which to form a belief as to whether the inspection report attached is the

report prepared on that date.

6. Respondent admits receiving the Notice of Filing of Administrative Citation on February 17, 2010 and does not have information sufficient to form a belief as to the date said Notice of Filing was mailed, nor the accuracy of the certified mail numbers.

VIOLATIONS

(1) Respondent denies that uncovered refuse from a previous operating day existed.

(2) Respondent denies that it failed to collect and contain litter at the end of the operating day.

REQUEST FOR REVIEW

A. The inspection report narrative states that the inspection took place between 2:54 pm and 4:54 pm on January 14, 2010 and states in pertinent part:

"The scattered litter is not from the current operating day and has been in this location repeatedly."

The inspection report fails to state with specificity how the inspector was able to determine that the scattered litter, which was observed between 2:54 pm and 4:54 pm was not from the current operating day. The allegation that the scattered litter has been in this location "repeatedly" is not supported by dates and supporting evidentiary data, nor is any evidence given that this is the same "scattered litter" from alleged prior dates.

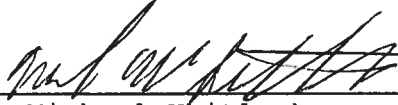
B. The inspector left the site before it closed for the day and therefore has no knowledge that litter was not collected and contained.

WHEREFORE, PERRY RIDGE LANDFILL, INC. respectfully requests a hearing to review the allegations in the administrative citation and

to allow the Respondent to present evidence rebutting said allegations.

PERRY RIDGE LANDFILL, INC.

By



Michael Whitlock
Certified Operator

Michael Whitlock
Certified Operator
Perry Ridge Landfill, Inc.
6305 Sacred Heart Road
DuQuoin IL 62832

PROOF OF SERVICE

MICHAEL WHITLOCK, under penalties of perjury certifies that on the 24th day of February, 2010 I sent by certified mail, return receipt requested, postage prepaid a true and correct copy of the Notice of Filing and Petition for Review upon:

Perry County State's Attorney's Office
Perry County Courthouse
1 Public Square
Pinckneyville Il 62274

and an original and nine (9) true and correct copies by certified mail, return receipt requested, postage prepaid upon:

John Therriault
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago IL 60601-3218