

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

DEC 30 2011

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
vs.)
)
LOVES PARK AUTO PARTS, INC.)
)
Respondent.)

AC

12-17

(IEPA No. 355-11-AC)

ORIGINAL

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on December 27, 2011, I served the attached Petition for Review, Notice of Filing and Notice of Appearance on the complainant by certified mail at the address below:

Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9278

Darlene D. Soderberg
Attorney Darlene D. Soderberg
ARDC #6230304
SODERBERG & ASSOCIATES, P.C.
1 Court Place, Suite 400
Rockford, IL 61101
(815) 987-1990
(815) 968-3786 - Fax
Email: DDS@DDSoderberg-law.com

SUBSCRIBED and SWORN TO before me
this 27th day of December, 2011

Betty Scalise

Notary Public



Soderberg & Associates, P.C.

Darlene D. Soderberg, RN, JD
One Court Place, Suite 400
Rockford, Illinois 61101
(815) 987-1990
(815) 968-3786-Fax

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STATE OF ILLINOIS
Pollution Control Board

December 27, 2011

Via Certified Mail

Illinois Pollution Control Board
Attn: Clerk
100 West Randolph St.
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218

ORIGINAL

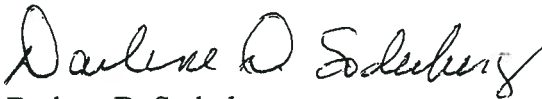
Re: IEPA vs. Loves Park Auto Parts, Inc. 355-11AC

Dear Clerk:

Enclosed please find a Petition for Review, Notice of Filing, Notice of Appearance and Certificate of Service in the above captioned matter. Also enclosed please find nine additional copies of same. I would ask that you please file same. I am also enclosing an additional copy (for a total of ten copies) which I would ask that you file stamp and return in the enclosed self-address stamped envelope.

If you require anything else from the undersigned, please do not hesitate to contact me.

Sincerely,


Darlene D. Soderberg

cc: IEPA

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ORIGINAL

PETITION FOR REVIEW

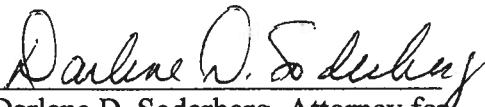
Now comes the Respondent, Loves Park Auto Parts, Inc., by and through its attorney, Darlene D. Soderberg, and for its Petition for Review, states as follows:

1. On September 20, 2011, Inspector Donna Shehane was at Respondent's site for an inspection. Inspector Shehane left the premises without informing Respondent of any violation.
2. Respondents never received a verbal or written report for the September 20, 2011 inspection, thus Respondent was unaware of any violations.
3. On October 4, 2011 Inspector Shehane performed another inspection at Respondent's site and left without verbal acknowledgment or discussion of any violations.
4. Respondent never received a verbal or written report for the October 4, 2011 inspection, thus Respondent was unaware of any violations.
5. Nevertheless, on or about November 17, 2011, the Illinois Environmental Protection Agency filed an Administrative Citation against the Respondent, Loves Park Auto Parts, Inc.
6. The citation alleged that the Respondent was in violation of the Illinois Environmental Protection Act 415 ILCS 5/31.1, in "that respondent caused or allowed open dumping of waste in a manner resulting in used tires, at this site, not altered, covered or otherwise prevented from accumulating water."
7. The Respondents contacted Inspector Donna Shehane and Assistant Counsel Michelle Ryan to discuss the citation and ask for dismissal based on the fact no verbal or written report for either the September 20, 2011 or the October 4, 2011 inspections.

8. Furthermore, without verbal or written communication between the Respondent and the Inspector, the interpretation of the Environmental Protection Agency codes and alleged violations remained unclear between the parties.
9. After the violation was clarified with Inspector Shehane, Respondents resolved the issue by emptying all tires of water and placing tarps over all tires to prevent the accumulation of water.

Wherefore, the Respondent, Loves Park Auto Parts, Inc. requests that the Illinois Pollution Control Board grant its Petition for Review and further find that the Respondent is no longer in violation of the Illinois Environmental Protection Act and, therefore, not subject to any civil penalty.

Respectfully submitted,


Darlene D. Soderberg, Attorney for
Loves Park Auto Parts, Inc.

Attorney Darlene D. Soderberg
ARDC #6230304
SODERBERG & ASSOCIATES, P.C.
1 Court Place, Suite 400
Rockford, IL 61101
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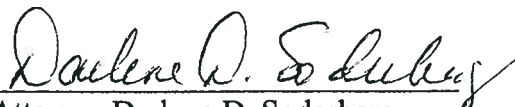
AC 12-17
(IEPA No. 355-11-AC)

NOTICE OF APPEARANCE

ORIGINAL

To: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9278

The undersigned attorney, Darlene D. Soderberg, hereby enters her appearance on behalf of the Respondent, Loves Park Auto Parts, Inc., and further requests that all further pleadings be served at the address listed below.


Attorney Darlene D. Soderberg
ARDC #6230304
SODERBERG & ASSOCIATES, P.C.
1 Court Place, Suite 400
Rockford, IL 61101
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 PROTECTION AGENCY,)
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 Complainant,)
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 vs.)
)
 LOVES PARK AUTO PARTS, INC.)
)
 Respondent.)

AC 12-17
 (IEPA No. 355-11-AC)


NOTICE OF FILING

To: Illinois Environmental Protection Agency
 Division of Legal Counsel
 1021 North Grand Avenue East
 PO Box 19276
 Springfield, IL 62794-9278

2 ORIGINAL

PLEASE TAKE NOTICE that on December 27, 2011, the undersigned mailed for filing by certified mail in the United States Mail, with the Clerk of the Pollution Control Board of the State of Illinois the following documents entitled PETITION FOR REVIEW, NOTICE OF APPEARANCE and CERTIFICATE OF SERVICE.

Respectfully submitted,


 Darlene D. Soderberg, Attorney for
 Loves Park Auto Parts, Inc.

Attorney Darlene D. Soderberg
 ARDC #6230304
 SODERBERG & ASSOCIATES, P.C.
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 Rockford, IL 61101
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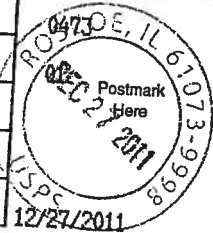
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Sent To *Ill Pollution Control Board attn clerk*
 Street, Apt. No., or PO Box No. *100 W. Randolph St Suite 11-500*
 City, State, ZIP+4 *Chicago IL 60601-3218*

PS Form 3800, August 2006 See Reverse for Instructions

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SPRINGFIELD, IL 62794-9278 **OFFICIAL USE**

Postage	\$ 1.08
Certified Fee	\$2.85
Return Receipt Fee (Endorsement Required)	\$2.30
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.23



Sent To *Division of Legal Counsel*
 Street, Apt. No., or PO Box No. *Ill Envir. Protection Agency*
 City, State, ZIP+4 *1021 N. Grand Ave East Springfield IL 62794-9278*

PS Form 3800, August 2006 See Reverse for Instructions