

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
SHELBY AND SONS, INC. )  
 )  
Respondent. )

ORIGINAL  
RETURN TO CLERK'S OFFICE  
AC  
12-20  
(IEPA No. 386-11-AC)

**NOTICE OF FILING**

TO: IL ENVIRONMENTAL PROTECTIONS AGENCY  
DIVISION OF LEGAL COUNSEL  
1021 NORTH GRAND AVENUE EAST  
P O BOX 19276  
SPRINGFIELD IL 62794-9276

TO: JOHN THERRIAULT, CLERK  
POLLUTION CONTROL BOARD  
JAMES R. THOMPSON CENTER  
100 WEST RANDOLPH STREET  
SUITE 11-500  
CHICAGO IL 60601

PLEASE TAKE NOTICE that on this date I delivered by UPS for filing with the Clerk of the Pollution Control Board of the State of Illinois, 100 West Randolph Street, Suite 11-500, Chicago IL 60601 and Illinois Environmental Protection Agency, Division of Legal Counsel, 1021 N. Grand Avenue East, Springfield, IL 62794-9276, the following instruments entitled PETITION FOR REVIEW, NOTICE OF FILING, CERTIFICATE OF SERVICE and NOTICE OF APPEARANCE. Said items were sent by UPS to the said respective parties with Tracking Numbers of N461 377 179 2 & N461 377 180 9.



PEGGY STANLEY, Legal Secretary  
For D. MICHAEL RIVA, Attorney for  
Shelby and Sons, Inc.

Dated: January 23, 2012

D. MICHAEL RIVA, LTD.  
D. MICHAEL RIVA  
ATTORNEY FOR RESPONDENTS  
226 EAST MAIN STREET  
WEST FRANKFORT IL 62896  
(618) 937-2404

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
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RECEIVED  
CLERK'S OFFICE

JAN 24 2012


STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL  
RETURN TO CLERK'S OFFICE

**NOTICE OF APPEARANCE**

NOW COMES attorney D. MICHAEL RIVA, who enters his appearance on behalf of Shelby and Sons, Inc.

Dated: January 23, 2012

  
\_\_\_\_\_  
D. MICHAEL RIVA  
Attorney for  
Shelby and Sons, Inc.

D. MICHAEL RIVA, LTD.  
D. MICHAEL RIVA  
ATTORNEY FOR RESPONDENT  
226 EAST MAIN STREET  
WEST FRANKFORT IL 62896  
(618) 937-2404

JAN 24 2012

STATE OF ILLINOIS  
Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Complainant, )

vs. )

SHELBY AND SONS, INC. )

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AC  
(IEPA No. 386-11-AC)

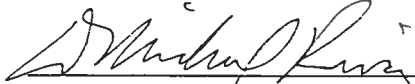
**PETITION FOR REVIEW**

NOW COMES SHELBY AND SONS, INC. by its attorney, D. MICHAEL RIVA, and submits the Petition for Review in response to Citations assessed against it as Respondent in AC-IEPA No. 386-11-AC and states under Section 108.206 reasons why it, Shelby and Sons, Inc., the AC Recipient and Respondent herein, believes the AC was improperly issued:

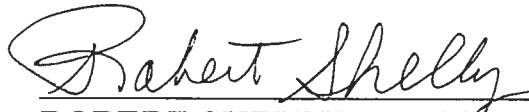
1. Each of the four alleged violations was the result of uncontrollable circumstances in that heavy rains in the Spring and Summer of 2011 resulted in flooding of the property which then caused various items considered by the IEPA to be litter to be spread over and scattered throughout the property and which had not been totally cleaned up by recipient by the date of inspection, October 25, 2011.

2. Respondent also states that it has been in business continuously since 1966 and it has never operated and does not now operate an open dump.

3. Respondent was not aware that it was in violation of any Illinois EPA rules or regulations and is promptly correcting the problems and has begun the qualification process to be certified as an Illinois Green Car Program participant by the Auto and Truck Recyclers of Illinois.

  
\_\_\_\_\_  
D. MICHAEL RIVA, Attorney for  
Shelby and Sons, Inc.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certify 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 such matters the undersigned certify as aforesaid that he verily believes the same to be true.



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ROBERT SHELBY, President of  
Shelby and Sons, Inc.

D. MICHAEL RIVA, LTD.  
D. MICHAEL RIVA  
ATTORNEY FOR RESPONDENT  
226 EAST MAIN STREET  
WEST FRANKFORT IL 62896  
(618) 937-2404  
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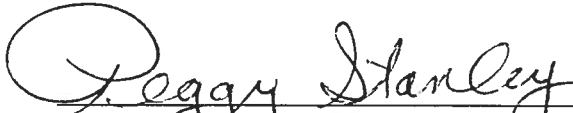
**PROOF OF SERVICE**

I hereby certify that I did on the 23<sup>rd</sup> day of January, 2012, send by UPS, with fees thereof fully prepaid, by depositing in the UPS drop box in West Frankfort, Illinois a true and correct copy of the following instrument entitled PETITION FOR REVIEW, NOTICE OF FILING, CERTIFICATE OF SERVICE and NOTICE OF APPEARANCE

TO: IL ENVIRONMENTAL PROTECTIONS AGENCY  
DIVISION OF LEGAL COUNSEL  
1021 NORTH GRAND AVENUE EAST  
P O BOX 19276  
SPRINGFIELD IL 62794-9276 (Art #N461 377 179 2)

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by UPS, with fees thereon fully prepaid

TO: JOHN THERRIALT, CLERK  
POLLUTION CONTROL BOARD  
JAMES R. THOMPSON CENTER  
100 WEST RANDOLPH STREET  
SUITE 11-500  
CHICAGO IL 60601 (Art #N461 377 180 9)

  
PEGGY STANLEY, Legal Secretary  
For D. MICHAEL RIVA, Attorney for  
Shelby and Sons, Inc.

D. MICHAEL RIVA, LTD.  
D. MICHAEL RIVA  
ATTORNEY FOR RESPONDENT  
226 EAST MAIN STREET  
WEST FRANKFORT IL 62896  
(618) 937-2404

**D. MICHAEL RIVA**  
ATTORNEY AT LAW  
226 E. Main Street  
WEST FRANKFORT, ILLINOIS 62896  
(618) 937-2404 • FAX: (618) 937-2405

January 23, 2012

John Therriault, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street  
Suite 11-500  
Chicago IL 60601

RECEIVED  
CLERK'S OFFICE

JAN 24 2012

STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL  
RETURN TO CLERK'S OFFICE

Re: Shelby & Sons, Inc.  
AC IEPA No. 386-11-AC

AC 12-20

Dear Sir:

Enclosed please find an original and ten (10) copies of the following:

Petition for Review with Proof of Service;  
Notice of Appearance; and  
Notice of Filing.

Please file the same and return file-stamped copies to my office in the enclosed envelope.

Very truly yours,



D. Michael Riva

DMR:pys  
Enclosures