

Ruth White
5631 1st Place
Kenosha, WI 53144

RE:
Illinois Environmental Protection Agency
vs.
Ruth White

AC 12-48
(IEPA No. 89-12-AC)
(Administrative Citation)

To Whom It May Concern:

In response to the allegations submitted to the court on beginning April 17, 2012. With regards to this complaint, I currently reside in Kenosha, WI and had been unaware of the property listed in this report being used as a dump site or burning site. Upon notification, I was able to contact Ronald V. Brumfield, the operator of the property (whose name is listed in the initial complaint) to discuss the document I received as well as the current situation of the property. At which time, I did inform him if these activities are being done, to cease and desist in allowing dumping and/or burning on the site. Since I do not live in the area, I am not aware of any illegal activity on this property. I am not disputing the ownership of the property, but I do not operate, maintain or control any activities that occur on this property.

As stated in paragraph 7 of the Discussion subheader, “to prove violation, the Agency only need to show that “the alleged polluter has the capability of control over the pollution or that the alleged polluter was in control of the premises where the pollution occurred” *Id.*, citing Phillips Petroleum Co. u. IEPA, 72 Ill. App.3d 217, 220-21 (2d Dist. 1979). I did not have prior knowledge of this operation nor do I have any knowledge of its continued operation, if any. If the pollutants are known, I have no knowledge of who they are, where they reside and why they are now trespassing, dumping and/or burning on this property.

With regard to my uncontrollable circumstances, my vehicle that would normally be available on the weekend to clean the property has been inoperable. I have been

unable to request time from work, due to my husband needing back surgery. I have called for quotes to hire a company in the area to remove the debris, but I cannot afford to hire them at this time. My house has been in jeopardy of foreclosure. At this time money is still not stable nor readily available.

With regards to the January 14, 2014 court date, I was unaware of this scheduling. I personally did not receive any documents nor summons to appear. However, I was out of town from December 16, 2013 – January 29, 2014. If documents were mailed to me within that time period, again I did not receive them and was unaware of any court scheduling.

Although the Agency is seeking the statutory \$4,500 civil penalty for the three violations, I am indigent and do not have the money to pay nor the means to request money to pay for the removal of the debris, the hearing cost or the penalty that will be assessed. If penalties are assessed, I will be unable to pay them.

I am seeking an appeal of these charges and to lower the fees/assessments. If any documentation is needed with regard to any statements made in this document, please also let me know.

Thank you for your consideration and time.

Ruth White
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Kenosha, WI 53144
(262) 344-5666