

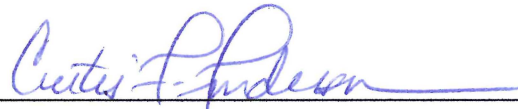
ILLINOIS POLLUTION CONTROL BOARD

GARY L. POLCHOW,)
)
 Complainant,)
)
 vs.) PCB 15-157
) (Citizens Enforcement-Air, Water)
 VILLAGE OF RANKIN,)
)
 Respondent.)

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CLERK'S OFFICE
MAY 18 2015
STATE OF ILLINOIS
Pollution Control Board

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the Village of Rankin, Respondent.



CURTIS A. ANDERSON, Attorney

CURTIS A. ANDERSON, P.C.
7 E. Harrison St.
Danville, IL 61832
(217) 446-5297
1andersonlaw@comcast.net

ILLINOIS POLLUTION CONTROL BOARD

GARY L. POLCHOW,)
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Complainant,)
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vs.) PCB 15-157
) (Citizens Enforcement-Air, Water)
VILLAGE OF RANKIN,)
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Respondent.)

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ANSWER TO FORMAL COMPLAINT

Respondent, VILLAGE OF RANKIN, by and through its attorney, CURTIS A. ANDERSON, answers the Formal Complaint of GARY L. POLCHOW, as follows:

1. Respondent admits Paragraph 1 of the Formal Complaint.
2. Respondent makes no answer to Paragraph 2 of the Formal Complaint since nothing is alleged in Paragraph 2.
3. Respondent admits Paragraph 3 of the Formal Complaint regarding the name and address of the Respondent.
4. Respondent denies the allegations contained in Paragraph 4 of the Formal Complaint, and Respondent questions the numerous pictures referred to as Exhibit 4 on the basis that it is difficult to determine what is within the burn area and whether the material is already burned or waiting to be burned. Further, it is not clear when the pictures were taken, and the hand written notes next to each picture are unsupported conclusions.
5. Respondent denies the allegations of Paragraph 5 of the Formal Complaint on the basis that Paragraph 5 refers to the definitions of "air pollution" (415 ILCS 5/3.115) and "landscape waste" (415 ILCS5/3.270) but does not allege any specific violations.

6. Respondent denies the allegations of Paragraph 6 of the Formal Complaint which alleges there are chemicals, gas, oil, plastics and rubber mixed with landscape waste, which the Complainant claims pictures are proof of this allegation.

7. Respondent denies the allegations of Paragraph 7 of the Formal Complaint regarding the duration and frequency of the alleged pollution.

8. Respondent denies the allegations of Paragraph 8 of the Formal Complaint and affirmatively states the allegations of lower property values, air, water, and soil contamination are conclusions and not supported by any factual allegations. Further the Complainant never indicates if he has been adversely affected.

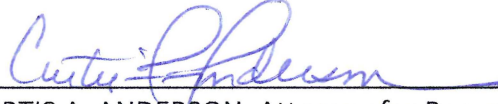
9. Respondent denies the allegations of Paragraph 9 of the Formal Complaint.

10. Respondent denies the allegations of Paragraph 10 of the Formal Complaint. The Respondent is only aware of the two attempts by the Complainant to file a Complaint, and those Complaints are identical and consolidated into one Complaint.

11. Respondent admits the allegations of Paragraph 11 of the Formal Complaint.

12. Respondent affirmatively states that any burning of landscape waste is exempt pursuant to Section 237.120 of Title 35 and also pursuant to 415 ILCS 5/9, on the basis that the burning area is within the Village limits of Rankin and consists of a strip of land fully enclosed and locked by fencing. Village residents may dispose of landscape waste by placing it outside of the fenced area. A Village employee, on a regular basis, sorts the landscape waste and removes any items not considered to be landscape waste, such as plastics and metals. The remaining landscape waste is moved into the enclosure and a controlled burn is supervised by a Village employee. The frequencies of this process depends on the amount of landscape waste but is, essentially, a spring

and summer event. The Village of Rankin is in Vermilion County, which has a population of less than 400,000.



CURTIS A. ANDERSON, Attorney for Respondent,
VILLAGE OF RANKIN

STATE OF ILLINOIS)
) SS:
COUNTY OF VERMILION)

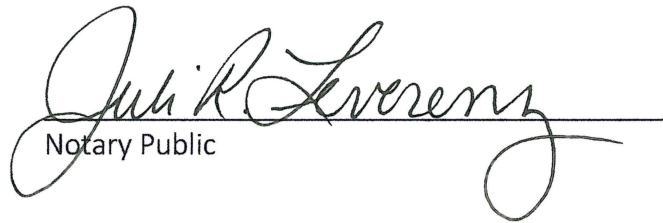
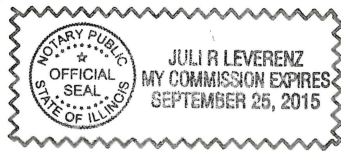
CERTIFICATION

I, CURTIS A. ANDERSON, on oath or affirmation, state that I have read the foregoing Answer to the Formal Complaint and that it is accurate to the best of my knowledge.



CURTIS A. ANDERSON

SUBSCRIBED AND SWORN to before me by CURTIS A. ANDERSON, on this 13th day of May, 2015.



Notary Public

CURTIS A. ANDERSON, P.C.
7 E. Harrison St.
Danville, IL 61832
(217) 446-5297
1andersonlaw@comcast.net

NOTICE OF FILING

TO: Gary L. Polchow
319 N. Guthrie Ave.
Rankin, IL 60960

Pollution Control Board, Attn: Clerk
100 W. Randolph St.
James R. Thompson Ctr., Ste. 11-500
Chicago, IL 60601-3218

PLEASE TAKE NOTICE that I have, today, filed with the Office of the Clerk of the Pollution Control Board, the Entry of Appearance and Answer to Formal Complaint by the Village of Rankin through Curtis A. Anderson, Attorney for the Village of Rankin, a copy of which is herewith served upon you.



CURTIS A. ANDERSON

Dated: May 13, 2015

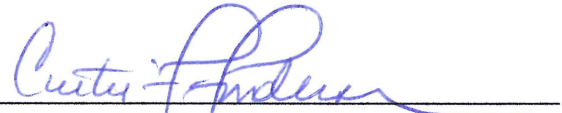
CURTIS A. ANDERSON, P.C.
7 E. Harrison St.
Danville, IL 61832
(217) 446-5297
1andersonlaw@comcast.net

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Entry of Appearance and Answer to Formal Complaint by mailing a copy of the same upon the following persons:

Gary L. Polchow
319 N. Guthrie Ave.
Rankin, IL 60960

Pollution Control Board, Attn: Clerk
100 W. Randolph St.
James R. Thompson Ctr., Ste. 11-500
Chicago, IL 60601-3218



CURTIS A. ANDERSON

Dated: May 13, 2015

CURTIS A. ANDERSON, P.C.
7 EAST HARRISON ST.
DANVILLE, IL 61832-4703
(217) 446-5297-Telephone/217-446-9756-Facsimile
1andersonlaw@comcast.net

May 13, 2015

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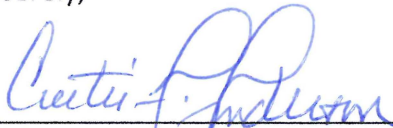
Re: Gary L. Polchow vs. Village of Rankin
PCB 15-157 (Citizens Enforcement-Air, Water)

Dear Clerk of the Illinois Pollution Control Board:

Please find enclosed the original and three copies of Appearance and Answer to Formal Complaint and Certificate of Service in regard to the above-entitled case. I understand a filing fee is not required.

I assume I will hear from the Pollution Control Board regarding further hearings and procedures.

Sincerely,


Curtis A. Anderson

CAA\jrl

Enclosures