

JAMES POTTS,

**V.**

Respondent.

) ) ) ) ) ) ) ) ) )

PCB 1651

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AUG 03 2015

STATE OF ILLINOIS  
Pollution Control Board



ORIGINAL

numerous errors, including, without limitation to, the admission of evidence inadmissible under the best evidence rule, the absence of any witness testimony of any *actus reus*; the failure of two governmental bodies, to accord two process rights in regard to property interests in conducting a purported investigation; the failure to inventory the contents of a certain motor vehicle then in the possession of Petitioner/Appellant, the failure to produce documents about the existence of a certain device owned by the subject water system;

6. For all the reasons heretofore set out in counsel's arguments in the proceedings before the Environmental Protection Agency and well documented in prior submissions, your Petitioner/Appellant presents unto this Honorable Board that:

- (a) The finding of the Director and his delegatee, the Administrative Law Judge and her delegatee, were arbitrary, unreasonable and against the manifest weight of the evidence;
- (b) The evidence presented at hearing was insufficient to sustain to even a preponderance the EPA's burden;
- (c) The combined governmental method of investigation manifestly abridged and traversed the constitutional rights and is in Petitioner/Appellant's property interests into both his license and position of employment;

7. Critical evidentiary rulings on objections were each so manifestly wrong that the determination of the Director cannot stand;

8. Taken as a whole, the aggregate sum of the errors made by the Administrative Law Judge on evidentiary matters deprived your Petitioner/Appellant of a fair hearing;

9. Your Petitioner is a longstanding operator of good repute, notwithstanding all the foregoing, even if the finding of the Director and her delegatee are correct that violations had occurred, the sanction proposed is extreme and unfounded in the context of the totality of evidence presented herein;

WHEREFORE, your Petitioner/Appellant prays as follows:.

A. That the EPA present unto this Honorable Board the complete record of the instant cause;


B. That each party be given the opportunity to brief the claims of error and misapplication in detail;

C. That this Board reverse outright, reverse and remand or modify to a lesser sanction the order of the Director, set forth here as Exhibit 1;

D. Such other and further relief as may be just, lawful and appropriate in the premises.

  
James Potts, Petitioner/Appellant

JAMES POTTS, Petitioner/Appellant,

By:   
Anthony B. Cameron,  
His Attorney

STATE OF ILLINOIS        )  
COUNTY OF ADAMS        ) SS.

James Potts, having been first duly sworn upon his oath, deposes and says that he has read the foregoing Petition and has knowledge of the contents thereof, and that the same is true in substance and in fact to the best of his information, knowledge and belief, and further:

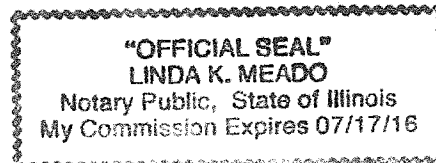
1. States that, upon his oath, the Petition of July 29, 2015, is his request and this First Amended Petition is his request for the Pollution Control Board to conduct hearings or proceedings upon the Agency's Revocation of his Certification, pursuant to 415 ILCS 45/12(a) and (b);

2. The matters set forth in both Petitions as to date of service are true and correct and Affiant/Petitioner's Petition and First Amended Petition are timely.

James Potts  
James Potts

Subscribed and sworn to before me, a Notary Public, this 30<sup>th</sup> day of July, 2015.

Linda K. Meado  
Notary Public



ANTHONY B. CAMERON - 0374555  
Attorney for Petitioner/Appellant  
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Quincy, IL 62301  
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Telefax: (217) 228-2225  
Email: dacamara@adams.net  
Our File No. 13-1104B


## CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2015, the original and three copies of the foregoing was placed in the U.S. mail, postage prepaid, addressed to the following:

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

and a copy was placed in the U.S. mail, postage prepaid, addressed to the following:

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 1927  
Springfield, Illinois 62794-9276

  
\_\_\_\_\_  
Anthony B. Cameron,

**ANTHONY B. CAMERON**  
**ATTORNEY AT LAW**  
529 HAMPSHIRE STREET \* SUITE 511  
QUINCY, ILLINOIS 62301  
[www.abclawoffice.com](http://www.abclawoffice.com)

Telephone: (217) 228-8669  
Telefax: (217) 228-2225

Of Counsel: **John W. Citro**

July 30, 2015

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STATE OF ILLINOIS  
Pollution Control Board

Re: **James Potts v. IEPA**  
**ID No. 194068252**  
**Public Water Operator, Certificate of Competency**  
**Our File No. 13-1104B**

Dear Clerk Therriault:

Enclosed please find original and three copies of First Amended Petition to Review and for Appeal of Director's Order Revoking Operator's Certification we wish to file on behalf of the Petitioner, James Potts.

Thank you for your kind attention.

Sincerely,



Anthony B. Cameron  
IL Attorney No. 037455  
AR Attorney No. 73137  
Sender's Email: [dacamara@adams.net](mailto:dacamara@adams.net)

ABC:lm  
Enc.  
cc: IEPA  
Mr. James Potts