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NOV 28 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATION CITATION

STATE OF ILLINOIS  
Pollution Control Board

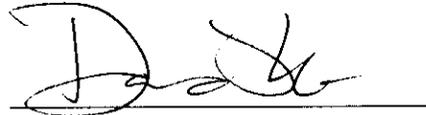
COUNTY OF MACON, ILLINOIS )  
)  
Complainant, )  
)  
v. )  
)  
Tim Walker )  
)  
Respondents. )

AC **07-21**  
(MCSWMD File No. 2006-005-AC)

**NOTICE OF FILING**

To: Kenneth Boles, Assistant State's Attorney  
Macon County State's Attorney  
253 East Wood Street  
Decatur, Illinois 62523

YOU ARE HEREBY NOTIFIED that a PETITION FOR REVIEW and NOTICE OF APPEARANCE were filed on this date by forwarding the original and nine copies to the Clerk of the Illinois Pollution Control Board.



David K. Cox  
Attorney for Respondent  
112 West Washington Street  
Monticello, Illinois 61856  
217-762-3800

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATION CITATION

COUNTY OF MACON, ILLINOIS )  
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AC 07-21  
(MCSWMD File No. 2006-005-AC)

PETITION TO REVIEW

NOW COMES the Respondent Tim Walker, by Counsel David K. Cox, and pursuant to 415 ILCS 5/31.1, files his Petition for Review, and in support thereof, states as follows:

1. An administration citation was issued in Macon County pursuant to the Illinois Protection Act.
2. The Respondent Tim Walker contests the administration citation and requests Review by the Illinois Pollution Control Board based on the following:
  - A. Inspectors who were involved in the investigation obtained access to the property illegally, neither by permission nor pursuant to a valid search warrant.
  - B. There has been no demonstration that any condition on the property presents an imminent or substantial endangerment to the environment or to human health.
  - C. Many of the conditions alleged to exist at the time of the inspection did not exist at the time of the issuance of the administrative citation.

D. Much of the construction materials on the site were being handled as part of ongoing construction projects, and thus are not a violation of the Act.

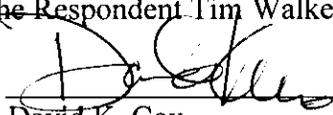
E. The administrative citation addresses natural materials, the storage and usage are not prohibited by the Act.

F. The Respondent did not cause or allow certain alleged violations identified in the inspection reports.

3. The Board should defer action until the process outlined in the administrative citation issued directly to the Respondent by Macon County has been completed, in that there is no final order for the Board to review at this point. This petition is filed based on the filing of an administrative citation with the Board by Macon County.

WHEREFORE, the Respondent requests dismissal or review of the administrative citation.

Respectfully submitted on behalf  
of the Respondent Tim Walker,

By: 

David K. Cox

Attorney for Respondent

David K. Cox  
Attorney for Respondent  
112 West Washington Street  
Monticello, Illinois 61856  
217-762-3800

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATION CITATION

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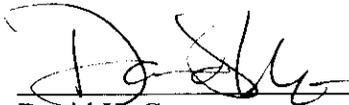
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(MCSWMD File No. 2006-005-AC)  
STATE OF ILLINOIS  
Pollution Control Board

**NOTICE OF APPEARANCE**

I, David K. Cox, an Illinois attorney, hereby enter my appearance on behalf of the Respondent Tim Walker.

  
\_\_\_\_\_  
David K. Cox  
Attorney for Respondent

David K. Cox  
Attorney for Respondent  
112 West Washington Street  
Monticello, Illinois 61856  
217-762-3800

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ADMINISTRATION CITATION

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v. )  
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AC **01-21**  
(MCSWMD File No. 2006-005-AC)

**CERTIFICATE OF SERVICE**

The undersigned certifies that he forwarded a copy of the PETITION FOR REVIEW, NOTICE OF APPEARANCE, and NOTICE OF FILING to:

Kenneth Boles, Assistant State's Attorney  
Macon County State's Attorney  
253 East Wood Street  
Decatur, Illinois 62523

by placing the documents in an envelope, properly addressed and with proper postage affixed, and mailing the envelope at the U.S. Post Office located in Monticello, Illinois, on this, the 24<sup>th</sup> day of November, 2006.



David K. Cox  
Attorney for Respondent  
112 West Washington Street  
Monticello, Illinois 61856  
217-762-3800