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JUL 06 2009

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
MONTEL and ANEITA METZGER, )  
 )  
Respondents. )

AC 09-48  
(IEPA No. 98-09-AC)

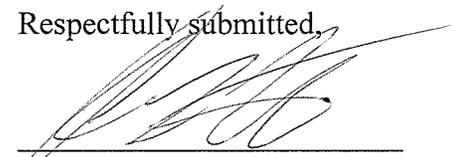
ORIGINAL

**NOTICE OF FILING**

To: Michelle M. Ryan  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

John Therriault, Clerk  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following documents entitled: PETITION FOR REVIEW and NOTICE OF APPEARANCE.

Respectfully submitted,  
  
Andrew J. Lankton,  
Attorney for Respondents

Leiken-Lankton L.L.C.  
120 S. Main St., P.O. Box 207  
Eureka, IL 61530  
phone - (309) 467-3711  
fax - (309) 467-4471

Dated: July 2, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

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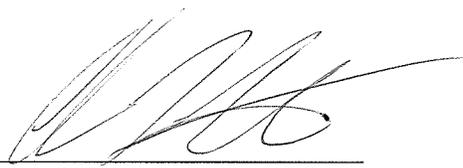
ORIGINAL

NOTICE OF APPEARANCE

NOW COMES **ANDREW J. LANKTON** of the law firm of **LEIKEN-LANKTON L.L.C.** and hereby enters his appearance on behalf of **MONTEL and ANEITA METZGER** this date.

Dated: July 2, 2009

LEIKEN-LANKTON L.L.C.

By:   
ANDREW J. LANKTON

LEIKEN-LANKTON L.L.C.  
120 South Main Street – P.O. Box 207  
Eureka, IL 61530  
Telephone: (309) 467-3711

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**PETITION FOR REVIEW**

Now comes MONTEL and ANEITA METZGER, by and through their attorney, Leiken-Lankton L.L.C., to petition for review of this administrative citation and further state as follows:

1. Respondents received this administrative citation alleging three violations of the Illinois Environmental Protection Act as follows: causing or allowing the open dumping of waste in a manner resulting in litter, causing or allowing the open dumping of waste in a manner resulting in open burning, and causing or allowing the open dumping of waste in a manner resulting in the deposition of general construction or demolition debris.
2. Respondents own the property at 292 Denman Road, Carlock, Woodford County, Illinois.
3. Much of the items in question preexisted the Respondents' ownership of the property.
4. Respondents do not agree that all items listed comprise junk in that many items retained in a farm yard such as culverts, pipes and scrap lumber are held for possible repairs.
5. However, Respondents have been working to correct issues that have been raised.
6. Respondents have made substantial progress in that they have removed 16.8 tons of material from the property since September of 2008.

7. Unfortunately Respondents have not been able to continue to correct the issues raised as quickly as they wish.

a. Respondents are elder. Montel Metzger has had medical issues that have prevented his ability to work on this project.

b. Further, the contractor Respondents were working with has failed to return to assist in the removal of the material in question.

WHEREFORE, Respondents because of the circumstances beyond their control hereby request that the Board adopt a final order finding no violation and imposing no penalty.

Respectfully submitted,



Andrew J. Lankton,  
Attorney for Respondents

Leiken-Lankton L.L.C.  
120 S. Main St., P.O. Box 207  
Eureka, IL 61530  
phone - (309) 467-3711  
fax - (309) 467-4471

Dated: July 2, 2009

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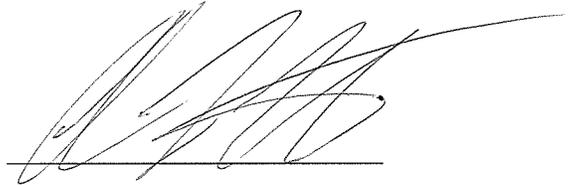
**Proof of Service**

The undersigned certifies that she served a copy of the within documents entitled: PETITION FOR REVIEW, NOTICE OF FILING and NOTICE OF APPEARANCE upon the following persons by mailing a copy of the same to them on the 2nd day of July, 2009 at 5:00 p.m. in an envelope plainly addressed to them, which envelope was deposited in the United States Postal Service Office at Eureka, Illinois, with proper postage fully prepaid:

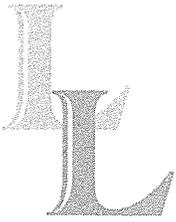
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ATTORNEYS AT LAW

120 SOUTH MAIN STREET • POST OFFICE BOX 207 • EUREKA, IL 61530

TELEPHONE (309) 467-3711 • FAX (309) 467-4471

Andrew J. Lankton  
*Attorney*

Carla J. Sluga  
*Office Manager*

Larry M. Leiken  
*Of Counsel*

Ben C. Leiken (1907 - 1994)

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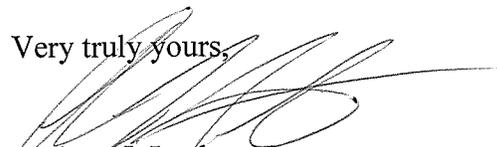
Re: IEPA v. Metzger  
IEPA No. 98-09-AC

Dear Mr. Therriault:

Enclosed please find Respondents' Petition for Review and Notice of Appearance.  
Please file same and return a file stamped copy in the enclosed envelope.

Thank you for your courtesy in this regard.

Very truly yours,

  
Andrew J. Lankton

enclosure