

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
)
v.)
)
LYNDELL HEINZMANN,)
)
)
Respondent.)

AC 06-13
(IEPA No. 408-05-AC)

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STATE OF ILLINOIS
Pollution Control Board

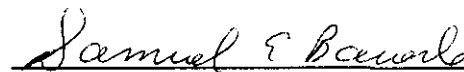
NOTICE OF FILING

To: Michelle M. Ryan
Special Assistant Attorney General
Illinois Environmental Protection Agency
1021 North Grant Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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 instruments entitled Petition For Review, Notice of Appearance and a copy of this Notice of Filing.

Respectfully submitted,

Dated: November 25, 2005



Samuel E. Bauerle
Attorney for the Respondent
321 West McMackin Street
Salem, Illinois 62881
(618) 548-1566
ARDC No. 00138223

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that a copy of the following was deposited in the U. S. Mail in Salem, Illinois on the 25th day of November, 2005.

Notice of Filing

Postage was fully prepaid and the envelope addressed to the following:

**Dorothy Gunn, Clerk of the Illinois Pollution Control Board
State of Illinois Center
100 West Randolph
Suite 11-500
Chicago, Illinois 60601**

**Michelle M. Ryan
Special Assistant Attorney General
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276**

LYNDELL HEINZMANN

Samuel E. Bauerle
By: **Samuel E. Bauerle**
Attorney for the Respondent
321 West McMackin Street
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NOTICE OF APPEARANCE

Now comes, **LYNDELL HEINZMANN**, by his attorney, Samuel E. Bauerle, and enters his appearance in the above entitled cause on behalf of the Respondent.

Dated: November 25, 2005.



SAMUEL E. BAUERLE
Attorney for the Respondent
321 West McMackin Street
Salem, Illinois 62881
(618) 548-1566

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LYNDELL HEINZMANN


By: **Samuel E. Bauerle**
**Attorney for the Respondent
321 West McMackin Street
Salem, Illinois 62881
ARDC No. 00138223**

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PETITION FOR REVIEW

Now comes the Respondent, Lyndell Heinzmann, by his attorney, Samuel E. Bauerle, and hereby requests a review of the citation issued in the above matter and in support thereof states:

BACKGROUND

That the Respondent, Lyndell Heinzmann, purchased real estate located on U. S. Route 50 in Section 12, Township 2 North Range 3 East of the 3rd P.M., Marion County, Illinois, in March, 2005. That when Respondent purchased said real estate, there was upon said real estate, a dumping area used and left by the previous owner. That Respondent is in the business of buying, improving and selling real estate.

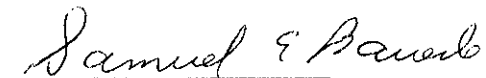
RESPONSE

1. Respondent requests a review of the board's citation due to the fact that he is a relatively new owner of the property in question and has been in the process of cleanup of the property since the date of purchase.

2. That it is the position of Respondent that the amount of the fine imposed is arbitrary and capricious and is not appropriate for any violation Respondent may be responsible for.

3. That Respondent was not guilty of any of the violations as stated under paragraphs (1), (2), or (3) under Section 21 of the Act, 415 ILCS 5/21 (2004).

Dated: November 25, 2005



Samuel E. Bauerle
Attorney for the Respondent

STATE OF ILLINOIS)
) SS.
COUNTY OF MARION)

LYNDELL HEINZMANN, being first duly sworn on oath, and under the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, states and deposes that he is the Respondent in the above-entitled cause, that he has read the above and foregoing Petition For Review and has knowledge of the contents thereof, and that the same is true and correct to the best of his knowledge and belief.



LYNDELL HEINZMANN

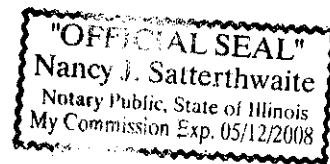
STATE OF ILLINOIS)
) SS.
COUNTY OF MARION)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that LYNDELL HEINZMANN, personally known to me to be same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth. Given under my hand and notarial seal this 25th day of November, 2005.



NOTARY PUBLIC

**PREPARED BY:
SAMUEL E. BAUERLE
Attorney at Law
321 West McMackin Street
Salem, Illinois 62881
(618) 548-1566**



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By: Samuel E. Bauerle
Attorney for the Respondent
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