

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 24 2006

STATE OF ILLINOIS  
Pollution Control Board

County of Wayne,	)	
	)	
Complainant,	)	
	)	
vs.	)	AC 191-06-06
	)	
Mr. Julian Buchanan,	)	
	)	
Respondent.	)	

*AC06-55*

NOTICE OF FILING

TO: KEVIN KAKAC  
Wayne County, Illinois, State's Attorney  
P. O. Box 641  
Fairfield, IL 62837

PLEASE TAKE NOTICE that I have filed, with the office of the Clerk of the Illinois Pollution Control Board, a Petition for Review, on behalf of JULIAN BUCHANAN, Respondent, a copy of which is herewith served upon you.

JULIAN BUCHANAN, Respondent

BY: LAW OFFICE OF  
MICHAEL J. MOLT, LTD.  
Attorney for Respondent

BY: *Michael J. Molt*  
MICHAEL J. MOLT

DATED this 21<sup>st</sup> day of July, 2006

LAW OFFICE OF  
MICHAEL J. MOLT, LTD.  
Attorney for Respondent  
P. O. Box 652  
Fairfield, IL 62837  
Telephone: 618/842-4080

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon KEVIN KAKAC, Wayne County, Illinois, State's Attorney, by enclosing the same in an envelope addressed to such person at his address as disclosed by the pleadings of record herein, with postage fully prepaid and by depositing said envelope in a U.S. Post Office mail box in Fairfield, Illinois, on the 21<sup>st</sup> day of July, 2006.

Michael J. Mills

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

County of Wayne,	)	
	)	
Complainant,	)	
	)	
vs.	)	AC 191-06-06
	)	
Mr. Julian Buchanan,	)	
	)	
Respondent.	)	

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of JULIAN  
BUCHANAN, Respondent.

LAW OFFICE OF  
MICHAEL J. MOLT, LTD.  
Attorney for Julian Buchanan

BY: Michael J. Molt  
MICHAEL J. MOLT

LAW OFFICE OF  
MICHAEL J. MOLT, LTD.  
Attorney for Respondent  
P. O. Box 652  
Fairfield, IL 62837  
Telephone: 618/842-4080

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon  
Kevin Kakac, Wayne County, Illinois, State's Attorney, by enclosing the same in an  
envelope addressed to such person at his address as disclosed by the pleadings of record  
herein, with postage fully prepaid and by depositing said envelope in a U.S. Post Office  
mail box in Fairfield, Illinois, on the 21<sup>st</sup> day of July, 2006.

Michael J. Molt

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STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

County of Wayne, )  
 )  
 Complainant, )  
 )  
 vs. ) AC 191-06-06  
 )  
 Mr. Julian Buchanan, )  
 )  
 Respondent. )

*AC 06-55*

**PETITION FOR REVIEW**

Now comes JULIAN BUCHANAN, Respondent, by his attorney, the LAW OFFICE OF MICHAEL J. MOLT, LTD., and for his Petition for Review, states the following:

1. Respondent is in control and possession of the site which is the subject of the above captioned proceeding before the Illinois Pollution Control Board.

2. That the real estate in question, which is owned by JULIAN BUCHANAN, was hit in April, 2002, by a tornado which either damaged or destroyed all the buildings on said site.

3. That prior to the inspection on May 16, 2006, JULIAN BUCHANAN had removed all of the debris left by the tornado, except for a small pile of scrap metal which caused the filing of the administrative citation herein.

4. That subsequent to May 16, 2006, JULIAN BUCHANAN has removed the scrap metal and cleaned the site, which is the subject of the administrative citation, so that there is no violation of 415 ILCS 5/3.105 and the following statutes which comprise the Illinois Environmental Protection Act.

5. The pile of scrap metal, and any other debris which was located on the site which is the subject of this proceeding, resulted from uncontrollable circumstances, specifically, a devastating tornado which hit the site in April, 2002.

6. Attached hereto and made a part hereof as Exhibit A are two photographs taken on June 2, 2006 showing the scrap metal and any other debris have been removed from the site in question.

WHEREFORE, JULIAN BUCHANAN, Respondent, requests the Illinois Pollution Control Board to adopt a Final Order which makes no finding of a violation of the Illinois Environmental Protection Act and which imposes no penalty.

DATED this 21<sup>st</sup> day of July, 2006.

JULIAN BUCHANAN, Respondent

BY: LAW OFFICE OF  
MICHAEL J. MOLT, LTD.  
Attorney for Respondent

BY:   
MICHAEL J. MOLT

LAW OFFICE OF  
MICHAEL J. MOLT, LTD.  
Attorney for Respondent  
P. O. Box 652  
Fairfield, IL 62837  
Telephone: 618/842-4080

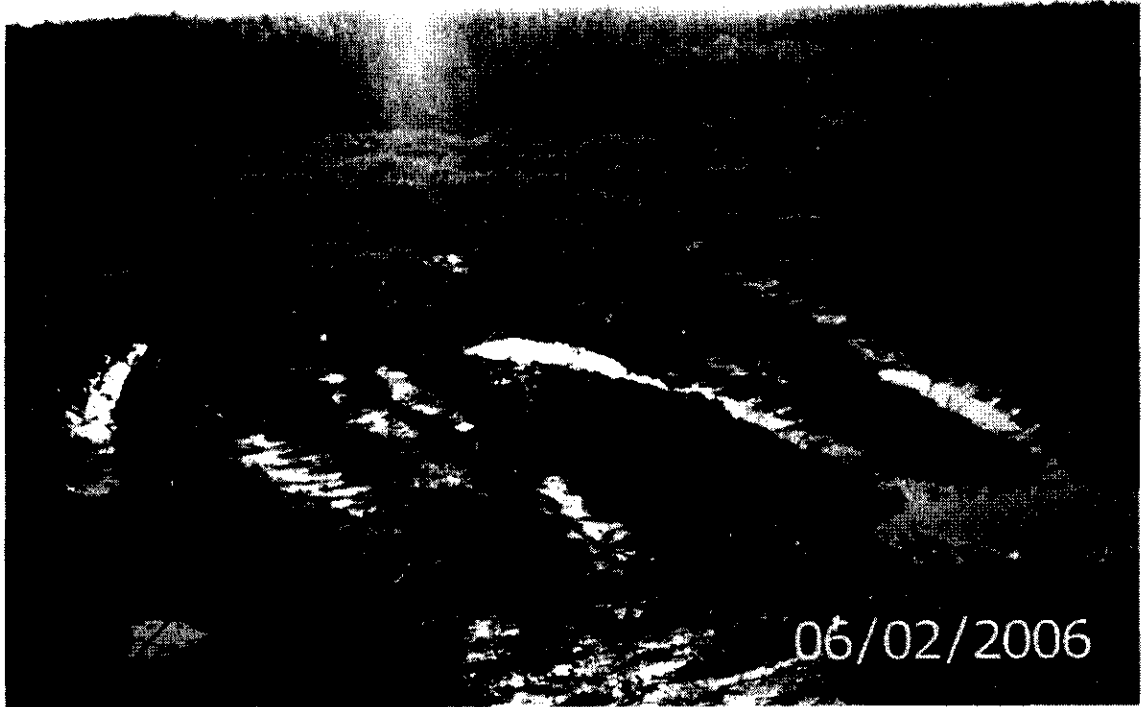
PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the KEVIN KAKAC, Wayne County, Illinois, State's Attorney, by enclosing the same in an envelope addressed to such person at his address as disclosed by the pleadings of record herein, with postage fully prepaid and by depositing said envelope in a U.S. Post Office mail box in Fairfield, Illinois, on the 21<sup>st</sup> day of July, 2006.

mailed jmh

EXHIBIT A

This Exhibit A is attached to the Petition for Review  
style County of Wayne, Complainant, vs. Mr. Julian Buchanan, Respondent  
AC 191-06-06



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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 Complainant, )  
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 vs. ) AC 191-06-06  
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 Mr. Julian Buchanan, )  
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 Respondent. )

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STATE OF ILLINOIS  
Pollution Control Board

ACOG-55

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21<sup>st</sup> day of July, 2006, send, by U. S. mail, with postage fully pre-paid, by depositing in the United States Post Office box in Fairfield, Illinois, a true and correct copy of a Petition for Review, with said envelope addressed to KEVIN KAKAC, Wayne County Courthouse, P. O. Box 641, Fairfield, IL 62837, and the original and one copy of said Petition for Review on the same date by Federal Express with postage pre-paid, and delivered to the Federal Express Agent in Fairfield, Illinois, addressed to: DOROTHY GUNN, Clerk, Pollution Control Board, James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, IL 60601.

JULIAN BUCHANAN, Respondent

BY: LAW OFFICE OF  
MICHAEL J. MOLT, LTD.  
Attorney for Respondent

BY:   
MICHAEL J. MOLT



LAW OFFICE OF  
MICHAEL J. MOLT, LTD.  
Attorney for Respondent  
P. O. Box 652  
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