

ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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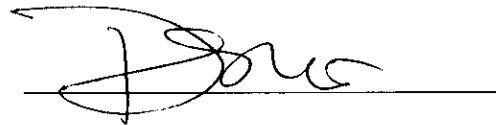
STATE OF ILLINOIS
Pollution Control Board

COUTY OF MACON,)	
)	
Complainant,)	
)	AC07-21
v.)	(MCSWDMD No. 2006-005-AC)
)	(Administrative Citation)
TIM WALKER,)	
)	
Respondent.)	

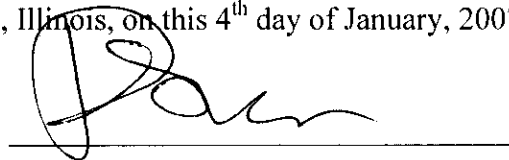
NOTICE OF FILING AND CERTIFICATE OF SERVICE

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

YOU ARE HEREBY NOTIFIED that an AMENDED PETITION TO CONTEST was filed on this date by forwarding the original and nine copies to the Clerk of the Illinois Pollution Control Board.



The undersigned certifies that he forwarded a copy of the AMENDED PETITION FOR REVIEW to: Kenneth Boles, Assistant State's Attorney, Macon County State's Attorney, 253 East Wood Street, Decatur, IL 62523, by placing the document in an envelope, properly addressed and with proper postage affixed, and mailing the envelope at the U.S. Post Office located at Monticello, Illinois, on this 4th day of January, 2007.



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

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 Illinois Environmental Protection Act.

E. The administrative citation addressed natural materials, such as wood chips, the storage and usage of which are not prohibited by the Illinois Environmental Protection Act.

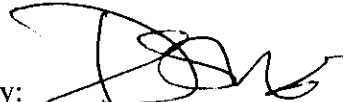
F. The respond did not cause or allow certain alleged violations identified in the inspection reports.

3. Based on the information included in paragraph 2 of Amended Petition for Review, the Respondent has exceeded the standard for proving uncontrollable circumstances in that many of the circumstances are natural or include natural materials, other allegations have not been substantiated or are not violations of the Illinois Environmental Protection Act and therefore are not properly included in an administrative citation, and the Respondent did not cause or allow many of the conditions to exist.

4. The Board should defer review until the process outlined in the administrative citation issued directly to the Respondent by Macon County has been completed.

WHEREFORE, the Respondent requests review of the administrative citation.

TIM WALKER, RESPONDENT

By: 
David K. Cox
Attorney for Respondent

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