

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

FEB 14 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

RAY A. HEWERDINE,)

Respondent,)



ORIGINAL

AC

(IEPA No. 304-12-AC)

13-28

NOTICE OF FILING

To: Illinois Pollution Control Board
ATTN: DIVISION OF LEGAL COUNSEL
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 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 instruments entitled
PETITION FOR REVIEW, NOTICE OF FILING, CERTIFICATE OF SERVICE and
NOTICE OF APPEARANCE.

Respectfully submitted,

Samuel E. Bauerle
Attorney at Law
321 West McMackin Street
Salem, Illinois 62881
Reg. No. 0138223
618.548.1566

Dated: February 13, 2013

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ILLINOIS ENVIRONMENTAL)
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Respondent,)

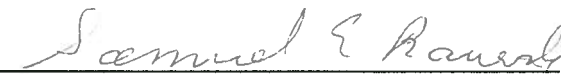
AC 13-28
(IEPA No. 304-12-AC)

NOTICE OF APPEARANCE

Now comes the Respondent, by his counsel, Samuel E. Bauerle, and hereby enters his appearance on behalf of the Respondent.

Respectfully submitted

Dated: February 13, 2013



SAMUEL E. BAUERLE
Attorney at Law
321 West McMackin Street
Salem, Illinois 62881
Reg. No. 0138223
618.548.1566

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RAY A. HEWERDINE,)

Respondent,)

AC

(IEPA No. 304-12-AC)

PETITION FOR REVIEW

NOW COMES Ray A. Hewerdine, by his attorney, Samuel E. Bauerle, by Section 31.1 Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2010), and hereby petitions the board for a review of the Administrative Citations issued against Respondent herein, and in defense state as follows:

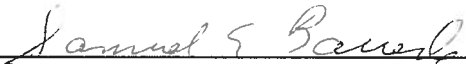
1. That Respondent denies he caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1)(2010) because the recipient of the Administrative Citation did not cause or allow the alleged violation and the alleged violation was the result of uncontrollable circumstances.
2. That Respondent denies he caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2010) because the recipient of the Administrative Citation did not

cause or allow the alleged violation and the alleged violation was the result of uncontrollable circumstances.

Therefore, Respondent, respectfully requests the Administrative Citations be reviewed and dismissed.

RAY A. HEWERDINE

Dated: February 13, 2013


BY: **SAMUEL E. BAUERLE**
Attorney at Law
321 West McMackin Street
Salem, Illinois 62881
Reg. No. 0138223
618.548.1566

CERTIFICATE OF SERVICE

RECEIVED
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STATE OF ILLINOIS
Pollution Control Board

The undersigned hereby certifies that a copy of the attached **Petition For Review, Notice of Appearance and Notice of Filing** was mailed on the 13th day of February, 2013 by U.S. Mail, with postage fully prepaid by depositing same with the U.S. Postal Service. Said instrument was then mailed to the below listed parties on this date.

Dated: February 13, 2013

Samuel E Bauerl

**JOHN THERRIAULT, CLERK
POLLUTION CONTROL BOARD
ATTN: DIVISION OF LEGAL COUNSEL
JAMES R. THOMPSON CENTER
100 WEST RANDOLPH STREET
SUITE 11-500
CHICAGO, ILLINOIS 60601**

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
ATTN: MICHELLE M. RYAN
1021 NORTH GRAND AVENUE EAST
P.O. BOX 19276
SPRINGFIELD, ILLINOIS 62794-9276**