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MAR 05 2008

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
GENE BREEDEN,)
))
Respondent.)

AC *08-16*
(IEPA No. 4-08-AC)

NOTICE OF FILING

To: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 61794-9276
Attention: Division of Legal Counsel

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 Petition for Review of Gene Breeden, Respondent, together with the Notice of Appearance of Jerry Niemann, attorney for Gene Breeden, Respondent.

Dated: March 3, 2008.

Respectfully Submitted,

Jerry Niemann

Jerry Niemann

Martensen & Niemann
Attorneys at Law
140 North Taft Street
P.O. Box 146
Paxton, Illinois 60957
Telephone: (217) 379-4311

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ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 GENE BREEDEN,)
)
 Respondent.)

AC *08-16*
 (IEPA No. 4-08-AC)

NOTICE OF APPEARANCE

The undersigned, Jerry Niemann, Attorney at Law, hereby enters his appearance on behalf of Gene Breeden, Respondent.



 Jerry Niemann

Martensen & Niemann
 Attorneys at Law
 140 North Taft Street
 P.O. Box 146
 Paxton, Illinois 60957
 Telephone: (217) 379-4311

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))
GENE BREEDEN,)
))
Respondent.)

AC 08-16
(IEPA No. 4-08-AC)

PETITION FOR REVIEW

Gene Breeden hereby petitions the Illinois Pollution Control Board for a hearing to contest the Administrative Citation dated January 30, 2008 in this case.

Respondent, Gene Breeden, specifically denies having committed the alleged violations of Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Illinois Environmental Protection Act and affirmatively alleges that the alleged open burning resulted from uncontrollable circumstances, namely arson.

Respectfully Submitted,



Gene Breeden

Martensen & Niemann
Attorneys at Law
140 North Taft Street
P.O. Box 146
Paxton, Illinois 60957
Telephone: (217) 379-4311

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STATE OF ILLINOIS
Pollution Control Board

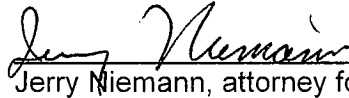
PROOF OF SERVICE

I hereby certify that I did on the 3rd day of March, 2008, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box the original of the following instrument(s) entitled Petition for Review, Notice of Filing and Notice of Appearance,

To: Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

and a true copy of the same foregoing instrument(s) on the same date by U.S. Mail with postage thereon fully prepaid

To: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 61794-9276
Attention: Division of Legal Counsel



Jerry Niemann, attorney for Gene Breedon

Martensen & Niemann
Attorneys at Law
140 North Taft Street
P.O. Box 146
Paxton, Illinois 60957
Telephone: (217) 379-4311