

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

NOV 09 2006

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
vs.)
)
C. JOHN BLICKHAN,)
)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board

AC 07-24

(IEPA No. 304-06-AC)

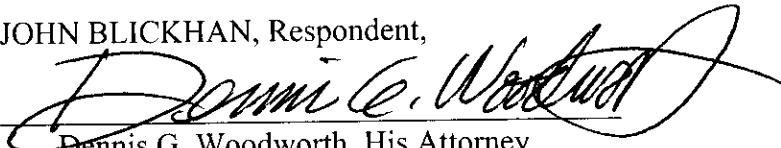
NOTICE OF FILING

TO: Michelle M. Ryan And Illinois Pollution Control Board
Special Assistant Attorney General State of Illinois Center
Illinois Environmental Protection Agency 100 W. Randolph Street
1021 North Grand Avenue East Suite 11-500
P. O. Box 19276 Chicago, IL 60601
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on this date I mailed a Petition for Review in the above-captioned matter.

Dated: November Coth, 2006.

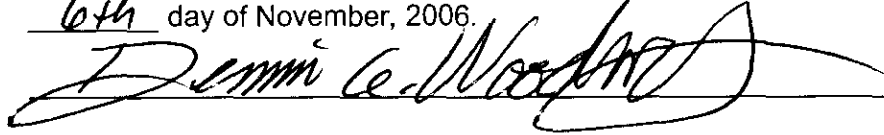
C. JOHN BLICKHAN, Respondent,

By 
Dennis G. Woodworth, His Attorney

Dennis G. Woodworth
BLICKHAN, TIMMERWILKE, WOODWORTH & LARSON
435 Hampshire Street
Quincy, Illinois 62301
Telephone: 217-221-4200
Attorneys for Respondent

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business 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 Quincy, Illinois on the 6th day of November, 2006.

A handwritten signature in black ink, appearing to read "Dennis C. Wood", is written over a horizontal line. The signature is stylized and cursive.

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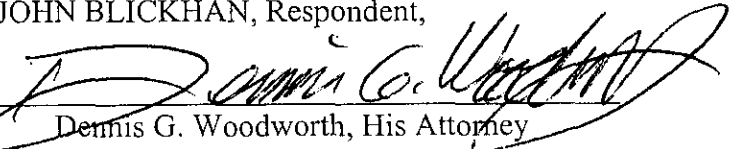
ENTRY OF APPEARANCE

Now comes Dennis G. Woodworth of Blickhan, Timmerwilke, Woodworth & Larson, who hereby enters his appearance on behalf of the Respondent, C. John Blickhan.

Dated: November 6th, 2006.

C. JOHN BLICKHAN, Respondent,

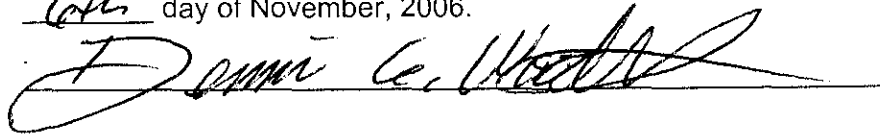
By


Dennis G. Woodworth, His Attorney

Dennis G. Woodworth
BLICKHAN, TIMMERWILKE, WOODWORTH & LARSON
435 Hampshire Street
Quincy, Illinois 62301
Telephone: 217-221-4200
Attorneys for Respondent

PROOF OF SERVICE

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AC 07-24
(IEPA No. 304-06-AC)

PETITION FOR REVIEW

Now comes the Respondent, C. John Blickhan, by Blickhan, Timmerwilke, Woodworth & Larson, his attorneys, and hereby respectfully petitions this Court for a review and re-hearing of the Administrative Citation, Affidavit, and Open Dump Inspection Check List entered in the above-captioned cause, and in support thereof, states as follows:

1. That the Respondent, C. John Blickhan, received an Administrative Citation from the Illinois Pollution Control Board in the above-captioned matter.
2. That in the facts as set forth in the Administrative Citation, the Citation states that the facility in question is an "open dump operating" without an Illinois Environmental Protection Agency Operating Permit.
3. That also said facts state the Respondent has owned and operated said facility at all times pertinent hereto.
4. That the violations listed in the Administrative Citation stated that the Respondent "caused or allowed the open dumping of waste in a manner resulting in litter".

5. That the violation listed in the Administrative Citation stated that the Respondent “caused or allowed the open dumping of waste in a manner resulting in open burning”.

6. That furthermore the violation listed in the Administrative Citation stated that the Respondent “caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris”.

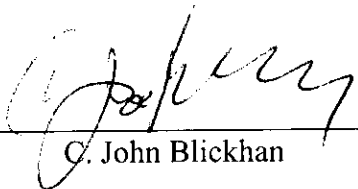
7. That the Respondent requests a review and re-hearing for several reasons. Those reasons include, but are not limited to:

- A) The facility in question is not an open dump operating. The facility in question is a rental facility;
- B) That the actual dump site operating under Permit No. 0010650002 and inspected by Paul C. Eisenbrandt indicated the land fill looked good and was properly secured. Furthermore, in said report there were no indications that the Respondent was operating said landfill in a negligent fashion or against the IEPA Rules or Regulations;
- C) That the facility in question has never been operated as an open dump; nor is it being operated as an open dump, nor are there any intentions to operate said facility as an open dump and all said prior activities and future intentions have been rental property;
- D) That the Respondent has not, nor has he allowed other individuals, to litter the facility in question nor has the Respondent allowed open burning on said facilities. If any litter collection or open burning has occurred, it has been without the knowledge or permission of the Respondent;

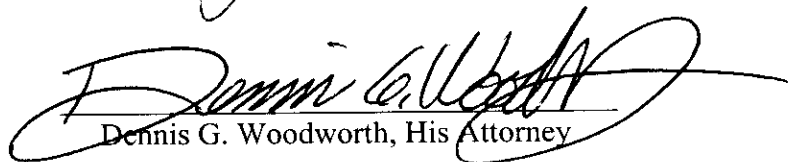
- E) That the leaseholders of said rental properties are legally entitled to possession of said premises whereby the alleged violations occurred even though the Respondent is the actual landowner. That the Respondent, as the landlord, has not granted permission to the leaseholders to dump litter on the premises or burn on the premises;
- F) That the Illinois Environmental Protection Agency is citing the wrong Respondent and should be citing the leaseholders of the premises where open dumping or burning was discovered.

WHEREFORE, for the above-stated reasons, the Respondent feels that the Administrative Citation issued against him was in error and requests a review and re-hearing of the Administrative Citation, Affidavit, and Open Dump Inspection Check List entered in the above-captioned cause.

Dated this 6th day of November, 2006.



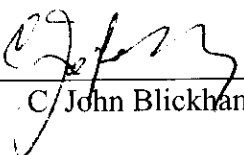
C. John Blickhan



Dennis G. Woodworth, His Attorney

Under penalties as provided by law, pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this Petition are true and correct, except as to matters therein stated to be on information and belief and as to such matters, the undersigned certifies as aforesaid, that he verily believes the same to be true.

Dated this 6th day of November, 2006.

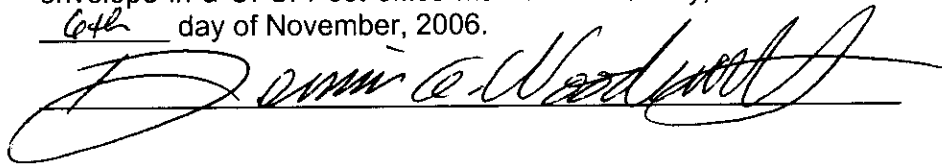


C. John Blickhan

Dennis G. Woodworth
BLICKHAN, TIMMERWILKE, WOODWORTH & LARSON
435 Hampshire Street
Quincy, Illinois 62301
Telephone: 217-221-4200
Attorneys for Respondent

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business 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 Quincy, Illinois on the 6th day of November, 2006.

A handwritten signature in black ink, appearing to read "Dennis G. Woodworth", written over a horizontal line.

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CERTIFICATE OF SERVICE

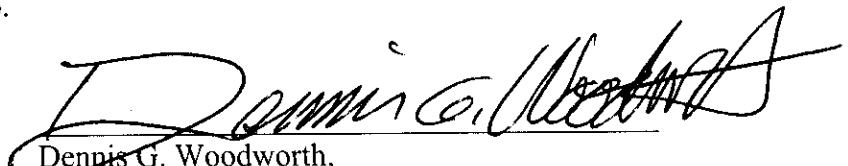
I hereby certify that I did on the 6th day of November, 2006, send by certified mail, return receipt requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true, correct copy of the following instruments entitled Entry of Appearance, Notice of Filing, Certificate of Service, and Petition for Review:

TO: Michelle M. Ryan Special Assistant Attorney General Illinois Environmental Protection Agency 1021 North Grand Avenue East P. O. Box 19276 Springfield, IL 62794-9276	And	Illinois Pollution Control Board State of Illinois Center 100 W. Randolph Street Suite 11-500 Chicago, IL 60601
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and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by certified mail with postage thereon fully prepaid:

TO: Dorothy Gunn, Clerk
 Pollution Control Board
 James R. Thompson Center
 100 W. Randolph Street
 Suite 11-500
 Chicago, IL 60601

Dated: November 6th, 2006.


 Dennis G. Woodworth,
 Attorney for Respondent, C. John Blickhan

Dennis G. Woodworth
BLICKHAN, TIMMERWILKE, WOODWORTH & LARSON
435 Hampshire Street
Quincy, Illinois 62301
Telephone: 217-221-4200
Attorneys for Respondent