

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION**

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OCT 24 2014

STATE OF ILLINOIS  
Pollution Control Board

MACON COUNTY ENVIRONMENTAL )  
MANAGEMENT DEPT., )  
Complainant, )  
 )  
-vs- )  
 )  
KEVIN WOODRUFF, )  
Respondent. )

AC 15-6  
(MCEMD No. 2014-001:1158025024)

**AMENDED PETITION FOR REVIEW**

**NOW COMES** the Respondent, KEVIN WOODRUFF, by his attorneys, BRINKOETTER, HASSINGER & STROBACH, and files his Petitions for Review of the Administrative Citation, and states as follows:

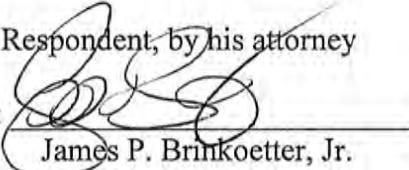
1. That the Respondent elects to contest the Administrative Citation.
2. A copy of the Amended Petition for Review is forwarded to the Macon County State's Attorney's Office at 253 East Wood Street, Decatur, Illinois, 62523.
3. A prior Entry of Appearance has been provided herein.
4. The Respondent affirmatively alleges that he has not brought any waste, trash, debris, litter or other prohibited materials onto the premises affected.
5. That on the affected premises, the Respondent demolished a dangerous structure theretofore located on the property and contracted to have the wreckage removed using a proper disposal bin and heavy equipment to do the same.
6. Prior to the removal of the wreckage from the dangerous structure, a spark from a nearby burn pile ignited the remains of the building causing it to be set afire.
7. That these circumstances were unforeseeable and beyond the control of the Respondent.

8. That Respondent cleared certain scrub brush and timber from the property so that the land could be improved and pushed into a burn pile and thereafter set the pile on fire in a legal and permitted manner.
9. That the fire to the remains of the demolished building was caused by circumstances beyond the control of the Respondent. That the effort to remove the brush and scrub by burning, was legal and in conformity with the Respondent's obligation to remove such items from his property in a legal and proper fashion.
10. That the remains of the demolished building were under contract for removal, but the fire occurred prior to the completion of the removal.

WHEREFORE, Respondent respectfully prays that the Board shall absolve the Respondent of any of the violations alleged against him and vacate the assessments of any and all civil, criminal other penalties.

Respondent, by his attorney

Signed:

  
James P. Brinkoetter, Jr.


PROOF OF SERVICE

I, the undersigned, attorney of record for the Respondent above, state that on this October 21, 2014, that I have placed a copy of the Amended Petition for Review in a USPS mailbox addressed to the following:

TO: Macon County State's Attorneys' Office  
Macon County Courthouse  
253 E. Wood St., 4th Floor  
Decatur, Illinois 62523

Clerk of the Illinois Pollution Control Board  
State of Illinois Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

Signed: \_\_\_\_\_

  
James P. Brinkoetter, Jr.

**Prepared by:** James P. Brinkoetter, Jr., 0296309, 363 S. Main St, Ste 505, Decatur, IL 62523  
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