

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

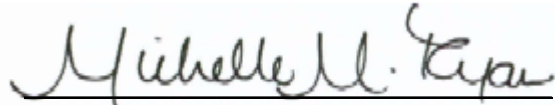
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2024-011
	)	
v.	)	(IEPA No. 124-24-AC)
	)	
FU ZANG LONG. LLC.,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: Scott Anderson, Jr.  
Dodson, Piraino and Associates LLC  
501 W University Avenue  
Champaign, IL 61820

PLEASE TAKE NOTICE that on this date I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled RESPONSE TO PETITION FOR INTERVENTION.

Respectfully Submitted,



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan  
Assistant Counsel

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Dated: June 27, 2024

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2024-011
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FU ZANG LONG. LLC.,	)	
	)	
Respondent.	)	

RESPONSE TO  
PETITION FOR INTERVENTION

NOW COMES the Complainant, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Assistant Counsel Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 101.500, and respectfully states as follows:

- (1) On May 28, 2024, Illinois EPA issued an Administrative Citation to Respondent, Fu Zang Long LLC. (“Respondent”), based on an inspection conducted on April 9, 2024.
- (2) On June 26, 2024, non-party Tahir Malik (“Malik”) filed a document entitled “Petition for Review” (“Petition”), wherein he titled himself “Intervener”.
- (3) Pursuant to 35 Ill. Adm. Code 101.110(b), a non-party participant has only those rights specifically provided in the Board rules.
- (4) The right to file a Petition for Review is limited to the “recipient” of an Administrative Citation (“AC”). 35 Ill. Adm. Code 108.204. In this matter, the AC “recipient” is the Respondent, not “the property” as claimed by Malik. *See* Petition at introduction.

(5) As a non-party intervenor, Malik has no right to file a Petition for Review in this matter, regardless of his relationship to the property at issue.

(6) As of the date of filing this Response, Respondent has not filed a Petition for Review in this matter (and the deadline for doing so has not yet passed). As such, this AC is currently “non-contested” pursuant to 35 Ill. Adm. Code 108.406.

(7) Pursuant to 415 ILCS 5/31.1(d)(1) (2024):

If the *person named* in the Administrative Citation fails to petition the Board for review within 35 days from the date of service, the Board shall adopt a final order, which shall include the administrative citation and findings of violation as alleged in the citation, and shall impose the penalty specified....

*Emphasis added.*

(8) If the AC remains non-contested, the Board has the statutory obligation to find violations and impose the appropriate statutory penalty against the person named in the AC.

(9) Further, 35 Ill. Adm. Code 108.500(a) provides that the Board will issue penalties “[u]nless the *AC Recipient* has shown that the violations resulted from uncontrollable circumstances.” *Emphasis added.*

(10) Malik has not raised “uncontrollable circumstances” on behalf of the Respondent, nor any of the other reasons why the AC was improperly issued, at least one of which is required by 35 Ill. Adm. Code 108.206 for all Petitions for Review.

(11) For the forgoing reasons, Illinois EPA does not consider Malik’s Petition to be a “Petition for Review” of the AC issued to Respondent and will therefore treat the filing as a Motion for Intervention.

(12) Under 35 Ill. Adm. Code 101.402, any person may file a motion for intervention in an adjudicatory proceeding. Such motion “must state the grounds for intervention.” *Id.*

(13) Malik's Petition fails to state any grounds for intervention.

(14) In any motion before the Board, facts not of record "must be supported by oath, affidavit, or certification." 35 Ill. Adm. Code 101.504.

(15) Malik's Petition asserts facts not of record without supporting certification.

(16) For these deficiencies, Malik's request for intervention should be denied.

(17) Malik admits that Respondent is the owner of the property and also that Malik operates a business on the property. Petition at ¶¶1-2.

(18) No part of this AC case has any direct effect on the property that Malik is purchasing, on Malik as an individual, or on Malik's business. As such, Malik has no rights that could be impacted by any decision in this case and intervention is unnecessary for his own benefit.

(19) None of the unsupported allegations contained in the Petition indicate that this AC was improperly issued by Illinois EPA to Respondent, therefore, intervention by Malik is of no service to the Board and should be denied.

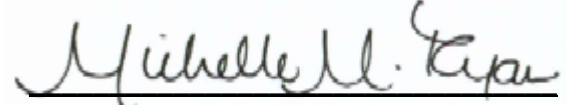
(20) If the allegations in the Petition show anything, it is that the violations are supported by Malik's own admissions and that he is also a proper party respondent in this matter. If the Board were to find reason to allow Malik to participate in this proceeding, it should be through joinder as a second respondent, pursuant to 35 Ill. Adm. Code 103.206.

(21) Illinois EPA notes that the movant has no right of reply to this Response under 35 Ill. Adm. Code 101.500(e).

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board deny the request for intervention.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant

DATED: June 27, 2024



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Michelle M. Ryan  
Assistant Counsel

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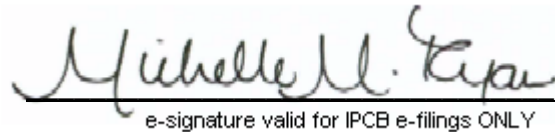
**PROOF OF SERVICE**

I hereby certify that I did on the 27<sup>th</sup> day of June, 2024, send by U.S. mail with postage thereon fully prepaid a true and correct copy of the following instrument(s) entitled  
**RESPONSE TO PETITION FOR INTERVENTION**

To: Scott Anderson, Jr.  
Dodson, Piraino and Associates LLC  
501 W University Avenue  
Champaign, IL 61820

and an electronic copy of the same foregoing instrument on the same date via electronic filing

To: Don Brown, Clerk  
Pollution Control Board  
60 E Van Buren Street, Suite 630  
Chicago, Illinois 60601



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
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