

ILLINOIS POLLUTION CONTROL BOARD  
December 5, 2024

MICHAEL LAURENZANA,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 25-27
	)	(Permit Appeal - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by B.F. Currie):

This matter comes before the Board on a letter submitted to the Board *pro se* by Mr. Michael Laurenzana and received by the Board on November 25, 2024. The heading of the letter suggests that Mr. Laurenzana seeks a cease and desist order, and the text of the letter refers to non-compliant activities, both of which appear to the Board to be consistent with the language of a citizen's enforcement complaint. However, the letter refers to a National Pollutant Discharge Elimination System (NPDES) permit by number. Also, it cites Section 40(e)(1) of the Environmental Protection Act (Act), which provides that, "[i]f the [Illinois Environmental Protection] Agency grants or denies a permit under subsection (b) of this Act, a third party, other than the permit applicant or Agency, may petition the Board within 35 days from the date of issuance of the Agency's decision, for a hearing to contest the decision of the Agency." 415 ILCS 5/40(e)(1) (2022). Because it appears more likely to the Board that Mr. Laurenzana seeks to meet the statutory 35-day deadline to appeal an NPDES permit, it construes his letter as a petition for review.

However, the Board requires Mr. Laurenzana to file an amended petition because his letter is deficient as a petition for review.

First, the Board's procedural rules requires that a petition must include "[t]he Agency's final decision or issued permit" and "[a] statement specifying the date of issuance or service of the Agency's final decision or issued permit, as applicable under Section 105.206." 35 Ill. Adm. Code 105.210(a), (b). Without this information, the Board cannot determine whether Mr. Laurenzana's petition was timely filed.

The Board's rules also require that a petition must include "[a] statement specifying the grounds of appeal" and, "[f]or petitions under Section 105.204(b), *a demonstration that the petitioner raised the issues contained within the petition during the public notice period or during the Agency public hearing on the NPDES permit application, if an Agency public hearing was held, and a demonstration that the petitioner is so situated as to be affected by the permitted facility.* [415 ILCS 5/40(e)(2)]. 35 Ill. Adm. Code 105.210(c), (d). Without this

information, the Board cannot determine whether Mr. Laurenzana has standing to file a third-party NPDES permit appeal.

In addition, the petition must name one or more respondents (35 Ill. Adm. Code 105.202(b)) and must satisfy the requirements for serving and filing the petition (35 Ill. Adm. Code 101.Subpart C).

Also, the Act requires that the Board collect a filing fee for a petition for review of a permit. 415 ILCS 5/7.5(a) (2022).

The petition also fails to make clear whether Mr. Laurenzana appears on his own behalf or on behalf of an organization. The Board's procedural rules specify when a person can appear himself or herself or must appear through an attorney. 35 Ill. Adm. Code 101.400(a).

In spite of these deficiencies, the Board does not dismiss this action. Instead, the Board will allow Mr. Laurenzana the opportunity to cure the deficiencies. "Historically, the Board has liberally allowed the amendment of deficient petitions for review." Thomas Edwards/River Rescue v. Peoria Disposal Co. and IEPA, PCB 08-42, slip op. at 6. (Feb. 21, 2008). "This practice has been applied across the Board, and equally to petitions for review of all case types." *Id.* (citations omitted).

The Board orders Mr. Laurenzana to file and properly serve an amended petition in accordance with this order and Board's rules and the Act, including those noted above. The amended petition must be filed no later than Monday, January 6, 2025, which is the first business day following the 30th day after the date of this order, or this matter will be subject to dismissal. Under the Board's procedural rules, all documents must be filed electronically through the Clerk's Office Online (COOL) unless the Board, Clerk, or procedural rules provide otherwise. 35 Ill. Adm. Code 101.203(h). If Mr. Laurenzana files an amended petition, the Board at that time will determine whether the original petition filed November 25, 2024, was timely and whether it will accept the amended petition for hearing.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 5, 2024, by a vote of 4-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board