

ILLINOIS POLLUTION CONTROL BOARD

June 21, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 01-44
)	(IEPA No. 174-01-AC)
CHARLES HALEY d/b/a HALEY BROTHERS)	(Administrative Citation)
CONSTRUCTION,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

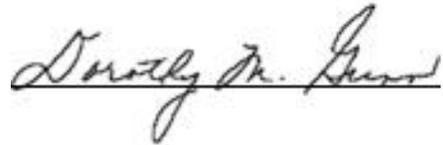
On May 25, 2001, the Illinois Environmental Protection Agency filed an administrative citation with the Board against Charles Haley d/b/a Haley Brothers Construction (Haley) pursuant to Section 31.1(b) of the Environmental Protection Act (Act) (415 ILCS 31.1(b) (2000)). The administrative citation alleges that Haley caused or allowed the open dumping of waste in a manner that resulted in litter and open burning. These activities were in alleged violation of Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21 (p)(1), (p)(3) (2000)). The alleged violation occurred at a site located in Milks Grove Township, Iroquois County, Illinois.

On June 18, 2001, Haley filed a letter petitioning for review of the administrative citation pursuant to Section 31.1(d). 415 ILCS 31.1(d) (2000). On the signature line of the letter Haley has identified himself as representing Haley Brothers Excavating, Inc. The Board's current procedural rules do not allow Haley, a non-attorney, to represent a corporation (see 35 Ill. Adm. Code 101.400(a)(2)). Accordingly, Haley must be represented by an attorney. Additionally, the petition fails to satisfy the requirements of 35 Ill. Adm. Code 101.Subpart C and 108.206.

While the Board will deem Haley's petition to be timely filed, the Board will not accept this matter for hearing unless and until Haley files an amended petition curing the noted deficiencies. The Board grants petitioner 35 days in which to retain an attorney and for that attorney to file an amended petition for review in this case on Haley Brothers Construction's behalf. If Haley does not file an amended petition for review on or before July 26, 2001, a default order may be entered assessing the \$3,000 statutory penalty.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of June 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board