

ILLINOIS POLLUTION CONTROL BOARD
March 21, 2002

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-32
)	(IEPA No. 561-01-AC)
COLORADO REAL ESTATE &)	(Administrative Citation)
INVESTMENT CO. (Kingspark Mobile)	
Estates),)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

On January 15, 2002, the Illinois Environmental Protection Agency (Agency) filed an administrative citation against Colorado Real Estate & Investment Co. (Kingspark Mobile Estates). On February 19, 2002, Colorado Real Estate & Investment Co. timely filed a petition to contest the administrative citation. On March 7, 2002, the Board accepted the matter for hearing.

On March 8, 2002, the Agency filed a "Response to Motion to Dismiss" (motion). The Agency explains that it construed a sentence in the petition as a motion to dismiss, and responds accordingly. Motion at 2. The specific sentence in the petition reads:

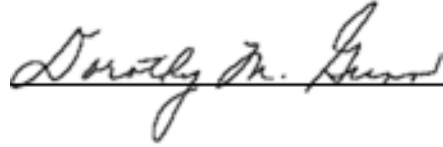
Since any information or evidence ascertained from said search including subsequent interviews or investigations would be inadmissable [sic] in this or any other proceedings, the Administrative Citation should be dismissed. Pet. at 2.

The Board disagrees with the Agency's interpretation of the sentence. The Board does not believe the sentence suggests that petitioner intended to file a motion to dismiss. The petition, taken as a whole, is a petition to contest an administrative citation. Although Colorado Real Estate & Investment Co. states that the administrative citation should be dismissed, the Board finds this comment is made because Colorado Real Estate & Investment Co. is challenging the administrative citation, which is the purpose of filing a petition to contest.

The Board will consider the arguments raised in the Agency's response when the record in this case is complete. No further action is necessary at this time.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 21, 2002, 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