

RECEIVED
CLERK'S OFFICE

MAR 22 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

EQUIPPING THE SAINTS MINISTRY
INTERNATIONAL, INC.,

Respondent.

No.: AC 04-31
(IEPA No. 747-03-AC)

NOTICE OF FILING

To: The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Michelle M. Ryan
Special Assistant Attorney General
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of
the Pollution Control Board of the State of Illinois the following instrument(s) entitled

ENTRY OF APPEARANCE and OBJECTIONS TO MOTION FOR DEFAULT
JUDGMENT.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas J. Immel', is written over a horizontal line.

Thomas J. Immel, #1301209

THIS FILING SUBMITTED ON RECYCLED PAPER

RECEIVED
CLERK'S OFFICE

MAR 22 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

EQUIPPING THE SAINTS MINISTRY
INTERNATIONAL, INC.,

Respondent.

No.: AC 04-31
(IEPA No. 747-03-AC)

ENTRY OF APPEARANCE

Thomas J. Immel of the firm of FELDMAN, WASSER, DRAPER & BENSON
herewith enters his appearance in this matter on behalf of Equipping the Saints
Ministry International, Inc., Respondent.



Thomas J. Immel, #1301209

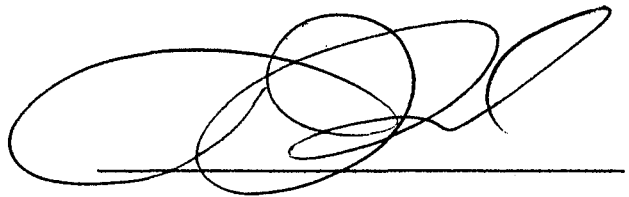
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument has been served upon the listed parties by placing the same in a sealed envelope, addressed as aforesaid, with postage fully prepaid and by depositing the same in the United States mail at Springfield, Illinois this 19th day of March, 2004.

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Michelle M. Ryan
Special Assistant Attorney General
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

A handwritten signature in black ink, appearing to be 'Carol Sudman', written over a horizontal line.

THIS FILING SUBMITTED ON RECYCLED PAPER

RECEIVED
CLERK'S OFFICE

MAR 22 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

EQUIPPING THE SAINTS MINISTRY
INTERNATIONAL, INC.,

Respondent.

No.: AC 04-31
(IEPA No. 747-03-AC)

OBJECTIONS TO MOTION FOR DEFAULT JUDGMENT

NOW COMES the Respondent, EQUIPPING THE SAINTS MINISTRY INTERNATIONAL, INC., by and through its attorney, Thomas J. Immel, responding and objecting to the Motion for Default Judgment filed herein by the Complainant, stating as follows:

1. Complainant filed its Administrative Citation against the Respondent before this Board.
2. Respondent is an Illinois not-for-profit corporation organized for charitable purposes and qualified as a 501(c)(3) corporation by the Internal Revenue Service.
3. Respondent attempted to file a pro se petition for review before this Board pursuant to the instructions set forth in the Administrative Citation. Respondent's attempt to file such petition for review was inartfully drafted but did in fact materially contest the allegations of the Administrative Citation, and did so in a timely manner.

4. As an Illinois not-for-profit corporation, acting through its officers, Respondent was unaware at the time of its filing of the requirement that it appear before the Board through an attorney.

5. The Complainant's only substantive objection to the Respondent's attempt to file a petition for review is directed at the fact that the Respondent failed to file said petition through an attorney.

6. It would be fundamentally unfair to the Respondent to deny its right to contest an Administrative Citation which it believes to be improper on the sole ground that it failed to initiate its otherwise timely petition through the offices of an attorney; furthermore, Respondent is now represented by the undersigned attorney whose appearance has been filed and no prejudice whatsoever can be claimed by the Complainant if the Respondent is permitted to continue its petition for review utilizing the services of such counsel.

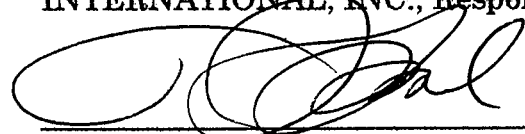
7. Respondent desires to contest the allegations of the Administrative Citation for the reason that Respondent did not cause or allow any open dumping on the property which is the subject of this proceeding, the Respondent acquired such property for the purposes of remodeling same into a senior citizen facility, the property acquired by the Respondent is in fact a construction site upon which construction and remodeling activity was occurring when the citation was issued and is continuing at the present time.

8. Respondent believes it has valid defenses to the claims asserted to the Administrative Citation and desires to contest same.

WHEREFORE, the Respondent respectfully requests that the Board deny the Motion for Default Judgment and permit this matter to go forward to hearing before the Board's duly appointed hearing officer.

Respectfully submitted,

EQUIPPING THE SAINTS MINISTRY
INTERNATIONAL, INC., Respondent

A handwritten signature in black ink, appearing to read 'T. Immel', is written over a horizontal line.

Thomas J. Immel, #1301209

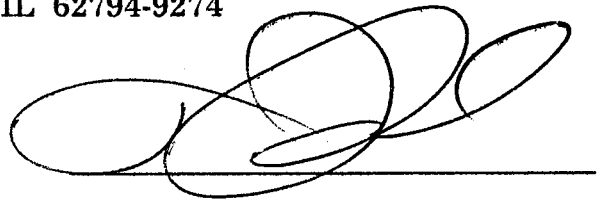
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument has been served upon the listed parties by placing the same in a sealed envelope, addressed as aforesaid, with postage fully prepaid and by depositing the same in the United States mail at Springfield, Illinois this 1st day of March, 2004.

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Michelle M. Ryan
Special Assistant Attorney General
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274



THIS FILING SUBMITTED ON RECYCLED PAPER