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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 10 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

FLORENCE PROPHETER and)
PROPHETER CONSTRUCTION CO.,)

Respondents.)

AC 04-61

(IEPA No. 125-04-AC)

NOTICE OF FILING

To:

State of Illinois
Pollution Control Board
Attn. Clerk
100 West Randolph Street
John R. Thompson Center
Suite 11-500
Chicago, IL 60601-3218

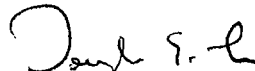
Ms. Michelle M. Ryan
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on Tuesday, May 4, 2004, I filed via U.S. Mail with the Office of the Clerk of the Pollution Control Board of the State of Illinois an Entry of Appearance and Petition for Review, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

FLORENCE PROPHETER and PROPHETER
CONSTRUCTION CO., Respondents

BY EHRMANN GEHLBACH BADGER & LEE

By 
Douglas E. Lee

Douglas E. Lee
Ehrmann Gehlbach Badger & Lee
Attorneys for Respondents
215 E. First St., Ste. 100
P.O. Box 447
Dixon, IL 61021
(815) 288-4949
(815) 288-3068 (FAX)

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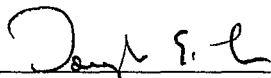
ENTRY OF APPEARANCE

Now comes Douglas E. Lee of Ehrmann Gehlbach Badger & Lee, and enters his appearance on behalf of the Respondents, Florence Propheter and Propheter Construction Co.

Respectfully submitted,

FLORENCE PROPHETER and PROPHETER
CONSTRUCTION CO., Respondents

BY EHRMANN GEHLBACH BADGER & LEE

By 
Douglas E. Lee

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Pollution Control Board

ADMINISTRATIVE CITATION

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Complainant,)
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AC 04-61
(IEPA No. 125-04-AC)

PETITION FOR REVIEW

Now come Respondents Florence Propheter and Propheter Construction Co., by and through their attorney, Douglas E. Lee of Ehrmann Gehlbach Badger & Lee, and for their Petition to Review Administrative Citation issued by the Illinois Environmental Protection Agency pursuant to Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1, state as follows:

1. That the Illinois Pollution Control Board has jurisdiction over the subject matter herein and the parties hereto.
2. That the Respondents believe the Administrative Citation was improperly issued because the Respondents did not cause or allow the alleged violations and the alleged violations were the result of uncontrollable circumstances.

WHEREFORE, Respondents Florence Propheter and Propheter Construction Co. pray as follows:

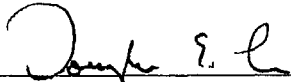
- A. That the Administrative Citation filed herein by the Illinois Environmental Protection Agency be dismissed and that the relief for which prayer is therein made be denied.

B. That Respondents have such other relief as the Illinois Pollution Control Board deems equitable and just.

DATED this 4th day of May, 2004.

FLORENCE PROPHETER and PROPHETER
CONSTRUCTION CO., Respondents

BY EHRMANN GEHLBACH BADGER & LEE

By  _____
Douglas E. Lee

Douglas E. Lee
Ehrmann Gehlbach Badger & Lee
Attorneys for Respondents
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CERTIFICATE OF SERVICE

I, DOUGLAS E. LEE, hereby certify that I served the within Entry of Appearance and Petition for Review by mailing a copy of the same to each of the individuals identified below on the 4th day of May, 2004, at 5:00 p.m. in envelopes plainly addressed to:

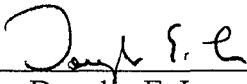
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Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

which were deposited in the United States Post Office in Dixon, Illinois, proper postage fully prepaid.

FLORENCE PROPHETER and PROPHETER
CONSTRUCTION CO., Respondents

BY EHRMANN GEHLBACH BADGER & LEE

By 
Douglas E. Lee

Douglas E. Lee
Ehrmann Gehlbach Badger & Lee
Attorneys for Respondents
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