

ILLINOIS POLLUTION CONTROL BOARD
August 19, 2004

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	AC 05-4
v.)	(IEPA No. 307-04-AC)
)	(Administrative Citation)
G.T. & L., INC.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

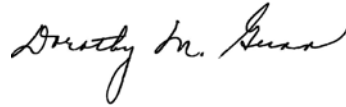
On July 13, 2004, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against G.T. & L., Inc. (GT & L). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The Agency alleges that GT & L violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (p)(7) (2002)). The Agency further alleges that on May 14, 2004 GT & L violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; and (2) deposition of general construction or demolition debris or clean construction or demolition debris at 22341 Sherman Road, Steger, Cook County.

As required, the Agency served the administrative citation on GT & L within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b). On August 16, 2004, GT & L timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2002); 35 Ill. Adm. Code 108.204(b). GT & L alleges that it did not cause or allow the open dumping of waste, that the materials alleged to be waste are instead useful materials, that any litter or debris on the site is the result of wind, and that it exerts efforts to keep the site clean. *See* 35 Ill. Adm. Code 108.206.

The Board accepts this matter as timely filed, pursuant to 35 Ill. Adm. Code 105.404. However, the Board finds that the petition was filed on behalf of GT & L by Walter Kuersten. The Board's procedural rules incorporate the requirement under Section 1 of the Illinois Attorney Act (705 ILCS 205/1 (2002)) and Section 1 of the Corporation Practice of Law Prohibition Act (705 ILCS 220/1 (2002)), that anyone other than an individual “must appear through an attorney-at-law licensed and registered to practice law.” 35 Ill. Adm. Code 101.400(a)(2). The appeal filed by Walter Kuersten on behalf of GT & L does not identify him as an attorney, but as the Vice President of GT & L. Walter Kuersten cannot represent GT & L in this proceeding. *See* 35 Ill. Adm. Code 101.400(a)(2). Nothing in the petition indicates that Walter Kuersten is an attorney. The Board directs GT & L to retain an attorney prior to filing an amended petition for review in this matter. If an amended petition accompanied by an attorney's appearance is not filed within 30 days of the date of this order, this petition will be dismissed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 19, 2004, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board