

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

SINGH INC. OF ILLINOIS)	
)	
Petitioner,)	
)	
v.)	PCB 2026-040
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE

Don Brown, Clerk
Illinois Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, IL 60605
don.brown@illinois.gov

Singh Inc. of Illinois
Attn: Surjit Toor
9520 West Woelfel Road
Franklin, WI 53132

Konicek Environmental Consulting, LLC
Attn: Greg Konicek, P.G. (WI)
1032 S. Spring Street
Port Washington, WI 53074
ken@konicekenvironmental.com

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board an **APPEARANCE** and **MOTION TO DISMISS**, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Cara Pratt-Fleming
Assistant Counsel - Division of Legal Counsel
Special Assistant Attorney General
2520 West Isles Ave.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
Cara.J.Pratt-Fleming@illinois.gov
Dated: March 18, 2026

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OF THE STATE OF ILLINOIS**

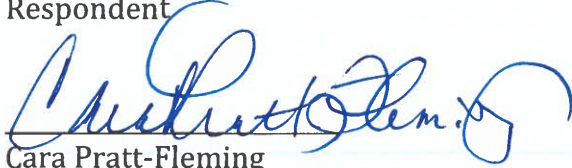
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APPEARANCE

The undersigned, as one of its attorneys, hereby enters her Appearance on behalf of the Respondent, the Illinois Environmental Protection Agency.

Respectfully submitted,

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Respondent



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MOTION TO DISMISS

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, Cara Pratt-Fleming, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.500, hereby respectfully moves the Illinois Pollution Control Board ("Board") to dismiss the above action and in support of said motion, the Illinois EPA states as follows:

1. On March 12, 2026, Gregory A. Konicek, with Konicek Environmental Consulting, LLC, ("KEC") filed a document best construed as a "Petition" on behalf of Surgit Toor and Singh Inc. of Illinois.
2. A copy of the same was mailed to the Illinois EPA on February 26, 2026.
3. The website for the Attorney Registration and Disciplinary Commission does not show Gregory A. Konicek as a registered attorney.
4. On December 9, 2025, a Joint Request for a 90 Day Extension was filed upon Petitioner's request to allow for additional time to file a Petition.
5. On December 18, 2025, this Board entered an Order approving the request for extension and providing Petitioner until March 17, 2026.

6. Board rules clearly state that the petition for review must be filed by an attorney. 35 Ill. Adm. Code 101.400(a)(2). In its December 21, 2000 Order in R00-20, the rulemaking adopting this regulatory provision the Board stated as follows:

“The Board clarifies that a person must be a licensed attorney to appear before the Board on behalf of others in an adjudicatory proceeding. This contrasts with the Board’s current procedural rule (see 35 Ill. Adm. Code 101.107), which generally allows officers or employees who are not attorneys to represent corporations in proceedings other than enforcement actions. The Board bases the new provision (see Section 101.400(a)(2)) in the Attorney Act (705 ILCS 205/1 *et seq.* (1998)), the Corporation Practice of Law Prohibition Act (705 ILCS 220/1 *et seq.* (1998)) and Illinois case law. In addition, the new provision is consistent with the recent line of Board decisions that found various activities in adjudicatory proceedings before the Board to constitute the practice of law. See, *e.g.*, *In re* Petition of Recycle Technologies, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 721.131(c) (July 10, 1997), AS 97-9.”

7. Any judgment in a case initiated by a non-attorney is void, even if subsequent appearances are made by an attorney. See, Housing Authority of Cook County v. Tonsul, 115 Ill. App. 3d 739, 450 N.E.2d 1248 (1st Dist. 1983); Midwest Home Savings & Loan v. Ridgewood, 123 Ill. App. 3d 1001, 463 N.E.2d 909 (5th Dist. 1984); Marken Real Estate & Management Corporation v. Adams, 56 Ill. App. 3d 426, 371 N.E.2d 1192 (1st Dist. 1977); Leonard v. Walsh, 73 Ill. App. 2d 45, 220 N.E.2d 57 (4th Dist. 1966).

8. Pursuant to 35 Ill. Adm. Code 105.108(e), a petition is subject to dismissal if the Board determines that grounds exist which would bar the petitioner from proceeding. Therefore, this case should be dismissed due to the initial filing being in violation of Board rules.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant the Illinois EPA’s Motion to Dismiss for the reasons stated within.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



Cara Pratt-Fleming
Assistant Counsel - Division of Legal Counsel
Special Assistant Attorney General
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Cara.J.Pratt-Fleming@illinois.gov
Dated: March 18, 2026

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on **March 18, 2026**, I served true and correct copies of an **APPEARANCE** and **MOTION TO DISMISS**, via the Board's COOL system and email, upon the following named persons:

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