

ILLINOIS POLLUTION CONTROL BOARD

January 6, 2005

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 05-40
)	(IEPA No. 567-04-AC)
)	(Administrative Citation)
NORTHERN ILLINOIS SERVICE)	
COMPANY,)	
)	
Respondent.)	

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

On November 22, 2004, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Northern Illinois Service Company. *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The Agency alleges that on October 4, 2004, Northern Illinois Service Company 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 Northern Illinois Service Company 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 4960 Rockton Road, Roscoe, Winnebago County.

As required, the Agency served the administrative citation on Northern Illinois Service Company 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 December 27, 2004, Northern Illinois Service Company timely filed a one-sentence letter by its President, Wayne Klinger seeking review of the administrative citation. *See* 415 ILCS 5/31.1(d) (2002); 35 Ill. Adm. Code 108.204(b). Northern Illinois Service Company requests review of the administrative citation. *See* 35 Ill. Adm. Code 108.206. The Board accepts the petition for hearing.

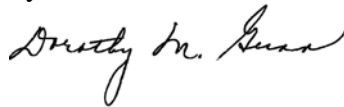
The Board accepts this matter as timely filed, pursuant to 35 Ill. Adm. Code 108.204. However, the Board finds that the petition does not specify the grounds for appeal, as required by 35 Ill. Adm. Code 108.206. The Board directs Northern Illinois Service Company to amend its petition for review to include its grounds for appeal within 30 days from the date of this order, or the Board will dismiss this matter.

In addition, the petition was filed on behalf of Northern Illinois Service Company by Wayne Klinger. 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 Wayne Klinger on behalf of Northern Illinois Service Company does not identify him as an attorney, but as the President of Northern Illinois Service Company. Wayne Klinger cannot represent Northern Illinois Service Company in this proceeding. *See* 35 Ill. Adm. Code 101.400(a)(2). Nothing in the petition indicates that Wayne Klinger is an attorney. The Board directs Northern Illinois Service Company 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 January 6, 2005, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board