

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

EARL and NORMA MARTIN,

Respondents.

AC 2004-089

(IEPA #305-04-AC)

PETITION FOR REVIEW

NOW COME the Respondents, EARL and NORMA MARTIN, by Grant R. Gulovsen of the law firm of Barash & Everett, LLC, and contesting the Administrative Citation issued by the Illinois Environmental Protection Agency in this matter, state as follows:

1. On June 24, 2004, the Illinois Environmental Protection Agency issued Administrative Citation #305-04-AC against the Respondents, alleging that they violated the Illinois Environmental Protection Act (the "Act") by: (1) causing or allowing the open dumping of waste in a manner resulting in litter, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2002); (2) causing or allowing the open dumping of waste in a manner resulting in proliferation of disease vectors, in violation of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2002); and (3) causing or allowing the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, in violation of Section 21(p)(7) of the Act, 415 ILCS 5/21 (p)(7) (2002).

2. The Respondents contest the allegations found in Administrative Citation #305-04-AC for the following reasons:

- a. The Respondents did not cause or allow the violations alleged in Administrative Citation #305-04-AC; and
- b. The violations alleged in Administrative Citation #305-04-AC were the result of uncontrollable circumstances.

WHEREFORE the Respondents, Earl and Norma Martin, respectfully request the Illinois Pollution Control Board to review and dismiss the Administrative Citation issued by the Illinois Environmental Protection Agency in this matter.

Respectfully submitted,

EARL and NORMA MARTIN,
Respondents,

By: /s/ Grant R. Gulovsen
Their Attorney

BARASH & EVERETT, LLC

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CERTIFICATE OF SERVICE

THE UNDERSIGNED certifies that on Tuesday, July 27, 2004, an Entry of Appearance and Petition for Review was served upon the following in the manner below described:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Ctr
100 W Randolph St
Suite 11-500
Chicago, IL 60601
(VIA ELECTRONIC FILING)

Michelle M. Ryan, Esq.
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
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/s/ Grant R. Gulovsen

Attorney for Respondents

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