

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

EARL and NORMA MARTIN,

Respondents.

AC 2004-091

(IEPA #308-04-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 #308-04-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 deposition of waste in standing or flowing waters, in violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (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 #308-04-AC for the following reasons:

- a. The Respondents did not cause or allow the violations alleged in Administrative Citation #308-04-AC; and
- b. The violations alleged in Administrative Citation #308-04-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  
1021 N Grand Ave E  
PO Box 19276  
Springfield, IL 62794-9276  
**(VIA ELECTRONIC MAIL)**

/s/ Grant R. Gulovsen

Attorney for Respondents

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