

ILLINOIS POLLUTION CONTROL BOARD

April 1, 2004

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	AC 04-31
v.)	(IEPA No. 747-03-AC)
)	(Administrative Citation)
EQUIPPING THE SAINTS MINISTRY,)	
INTERNATIONAL, INC.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by N. J. Melas):

On December 22, 2003, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Equipping the Saints Ministry, International, Inc. (Equipping the Saints Ministry). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The Agency alleged that Equipping the Saints Ministry violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (p)(7) (2002)). The Agency further alleges that Equipping the Saints Ministry 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 402 W. Loud Street, Virden, Macoupin County.

By order of February 14, 2004, the Board accepted for hearing Equipping the Saints Ministry's one-page typewritten petition for review filed February 13, 2004. On February 26, 2004, the Agency moved the Board to enter a default judgment against respondent. The motion asserts that this respondent corporation's petition was deficient because it did not allege why the administrative citation was improperly issued, as required by 35 Ill. Adm Code 108.206, and it was not filed by an attorney. Motion at 1-2.

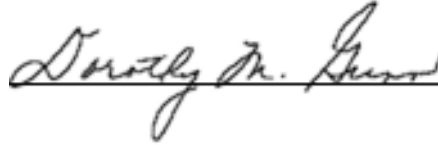
On March 22, 2004, respondent filed objections to the Agency's motion, accompanied by the appearance of its attorney. This filing contends that the original timely filed *pro se* petition was sufficient, even if inartfully drafted, and that the Board should allow the appeal to proceed. Additionally, in paragraph 7 of the filing, respondent elaborates on its reasons for contesting the administrative citation. Objections at 2.

The Board denies the Agency's motion for default judgment. Any deficiencies in the original timely petition for review have been corrected, and the Board finds that the Agency has not been prejudiced by the one-month that has elapsed since the original petition's filing and the subsequent clarification of the basis for the appeal and attorney appearance. In so ruling, the Board notes that it occasionally allows persons unfamiliar with the administrative citation appeal

process to file amended petitions curing any deficiencies in the original, timely-filed pleadings. *See, e.g. County of Jackson v. Frank Stonemark*, AC 04-43 (Mar. 4, 2004).

The Board directs this matter to hearing, consistent with both this order and the February 19, 2004 order.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 1, 2004, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board