

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

DICK'S SUPER SERVICE,)
)
 Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

PCB No. 11-63
(UST Appeal – Petition for Review and
Hearing/Appel)

**RECEIVED
CLERK'S OFFICE
JUN 13 2011
STATE OF ILLINOIS
Pollution Control Board**

ORIGINAL

MOTION TO SUBSTITUTE PARTIES

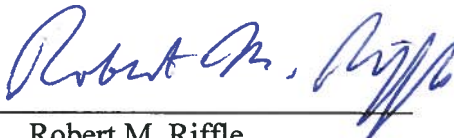
NOW COMES Beverly Powers, by her attorneys, Elias, Meginnes, Riffle & Seghetti, P.C., and moves to substitute parties by adding her name as Petitioner. In support hereof, Beverly Powers states as follows:

1. Beverly Powers and Dick Powers owned the property located at 500 South Locust Street, Delavan, Illinois, 61534 (the Property) in joint tenancy, and owned and operated a business thereon in joint tenancy which utilized the name "Dick's Super Service."
2. Dick Powers is deceased, and the Property, which was owned in joint tenancy, became the sole and exclusive property of Beverly Powers by operation of law.
3. Dick's Super Service is a business name or "d/b/a" which was utilized Richard and Beverly Powers.
4. The previous submittals have been filed in the name of Dick's Super Service, and should have properly been filed in Beverly Powers' name personally.
5. Counsel for the IEPA has pointed out the foregoing discrepancy.
6. The purpose of this Motion is to name the proper party, so that the matter can proceed. It is not being filed for purposes of delay, or any other improper purposes.

WHEREFORE, Beverly Powers hereby respectfully requests that she be allowed to substitute as Petitioner, and for such other relief as is deemed necessary and appropriate.

Respectfully submitted,

Dick's Super Service, Petitioner

By: 
Robert M. Riffle
Its Attorney

ROBERT M. RIFFLE
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
(309) 637-6000
611-396

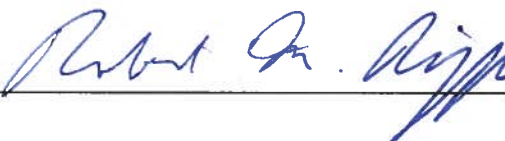
CERTIFICATE OF SERVICE

The undersigned certifies that on June 9, 2011, a copy of the foregoing document was served upon each party to this case by

- Enclosing a true copy of same in an envelope addressed to the attorney of record of each party as listed below, with first class postage fully prepaid, and depositing each of said envelopes in the United States Mail at 5:00 p.m. on said date.
- Personal delivery to the attorney of record of each party at the address(es) listed below
- Facsimile transmission with confirmation by United States Mail
- Via Federal Express - Express Package Service - Priority Overnight

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601

William D. Ingersoll
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Ave. East
Post Office Box 19276
Springfield, IL 62794-9276



A handwritten signature in blue ink, reading "Robert M. Riffle", is written over a horizontal line.

Robert M. Riffle
Elias, Meginnes, Riffle & Seghetti, P.C.
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ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C.
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DAVID N. SCHELLENBERG
JANAKI NAIR
LANE G. ALSTER
CYNTHIA L. ELIAS, OF COUNSEL

File No. 30927-010

June 9, 2011

Ms. Dorothy M. Gunn
State of Illinois
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

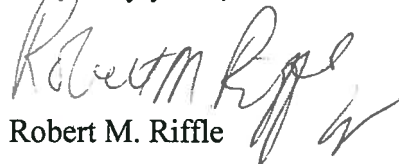
Re: Dick's Super Service v. IEPA
PCB No. 11-63

Dear Clerk:

Enclosed please find the original and eleven (11) copies of a Motion to Substitute Parties on behalf of Dick's Super Service in the above-referenced matter. Please return one-file-stamped copy of the undersigned in the return envelope enclosed.

Thank you for your anticipated cooperation.

Very truly yours,


Robert M. Riffle

RMR:tlj
Enclosures
cc: Mr. Al Green
611-504

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Pollution Control Board

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