

THE ILLINOIS POLLUTION CONTROL BOARD

BEVERLY POWERS f/d/b/a DICK'S
SUPER SERVICE,

Petitioner,

vs

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

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) NOV 19 2012

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STATE OF ILLINOIS
Pollution Control Board

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) PCB 11-63

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TRANSCRIPT FROM THE PROCEEDINGS
taken before HEARING OFFICER CAROL WEBB, by
LORI ANN ASAUSKAS, CSR, RPR, a notary public
within and for the County of Cook and State
of Illinois, at the Illinois Pollution Control
Board, 1021 North Grand Avenue East (North
Entrance), Springfield, Illinois, on the 7th
day of November 2012, A.D., at 10:45 a.m.

1 A P P E A R A N C E S:

2 ILLINOIS POLLUTION CONTROL BOARD,
3 1021 North Grand Avenue East
4 North Entrance
5 Springfield, Illinois 60601
6 (217) 524-8509
7 webbc@ipcb.state.il.us
8 BY: MS. CAROL WEBB, HEARING OFFICER,

9 ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C.,
10 416 Main Street
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14 rriffle@emrslaw.com
15 BY: ROBERT M. RIFFLE,

16
17
18 Appeared on behalf of the Petitioner;

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20
21 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
22 1021 North Grand Avenue East
23 P.O. Box 19276
24 Springfield, Illinois 62794-9276
(217) 524-3332
scott.severs@illinois.gov
BY: MR. SCOTT B. SEVERS,

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26
27 Appeared on behalf of the Respondent.

I N D E X

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NO EXHIBITS MARKED

1 HEARING OFFICER WEBB: Good morning.
2 My name is Carol Webb and this is the hearing for
3 PCB 11-63, Beverly Powers, formerly doing business
4 as Dick's Super Service versus IEPA. It is
5 November 7th and we are beginning at approximately
6 10:00 o'clock a.m.

7 For the record, although the
8 Petitioner is located in Tazwell County, there was
9 known public interest in this case. So I granted
10 parties' request to hold the hearing in Springfield.

11 I will note for the record that
12 there are no members of the public present. Members
13 of the public are allowed to provide public comment
14 if they so choose. At issue in this case is
15 Respondent's denial of Petitioner's Corrective
16 Action Plan Budget Amendment.

17 The decision deadline in this case
18 is April 18, 2013, although the Petitioner is going
19 to file a deadline waiver to June 15, 2013.

20 The Pollution Control Board
21 members will make the final decision in this case.
22 My purpose is to conduct the hearing in a neutral
23 and orderly manner so that we have a clear record
24 of the proceedings.

1 This hearing was noticed
2 pursuant to the act in the Board's rules and
3 will be conducted pursuant to Sections 101.600
4 through 101.632 of the Board's procedural rules.

5 At this time, I will ask the
6 parties to please make their appearances on the
7 record.

8 MR. RIFFLE: Good morning. Robert
9 Riffle on behalf of the Petitioner.

10 HEARING OFFICER WEBB: Thank you.

11 MR. SIEVERS: Scott Sievers on behalf
12 the Respondent.

13 HEARING OFFICER WEBB: Thank you. Are
14 there preliminary matters to discuss on the record?

15 MR. RIFFLE: Yes. Thank you. On
16 behalf of the Petitioner, we learned this morning
17 that the key witness in the case has a medical
18 emergency. Therefore, we respectfully request a
19 continuance of this matter.

20 My understanding is that
21 December 19th at 10:30 a.m. is convenient for the
22 tribunal as well as the parties. We would,
23 therefore, respectfully request a continuous to that
24 date and time.

1 HEARING OFFICER WEBB: Okay. And
2 the Respondent does not object to continuing this
3 hearing to December 19, 2012?

4 MR. SIEVERS: That's correct, your
5 Honor.

6 HEARING OFFICER WEBB: Okay. This
7 hearing is continued until December 19th. Thank
8 you very much.

9 MR. RIFFLE: Thank you.

10 MR. SIEVERS: Thanks, Judge.

11 (Whereupon, the above-entitled
12 proceedings were continued to
13 December 19, 2012, at 10:30
14 a.m.)

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1 STATE OF ILLINOIS.)
2) SS.
3 COUNTY OF C O O K)
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6 I, LORI ANN ASAUSKAS, CSR, RPR,
7 do hereby state that I am a court reporter doing
8 business in the City of Chicago, County of Cook,
9 and State of Illinois; that I reported by means
10 of machine shorthand the proceedings held in the
11 foregoing cause, and that the foregoing is a true
12 and correct transcript of my shorthand notes so
13 taken as aforesaid.

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Lori Ann Asauskas
Lori Ann Asauskas, CSR, RPR.
Notary Public, Cook County, Illinois

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