

**ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C.**

ATTORNEYS AT LAW

JOHN S. ELIAS  
BRIAN J. MEGINNES  
ROBERT M. RIFFLE  
MICHAEL R. SEGHETTI  
TROY N. PUDIK

416 MAIN STREET, SUITE 1400  
PEORIA, ILLINOIS 61602-1611  
TELEPHONE: (309) 637-6000  
FACSIMILE: (309) 637-8514  
www.emrslaw.com

DAVID N. SCHELLENBERG  
JANAKI NAIR  
LANE G. ALSTER  
CYNTHIA L. ELIAS, OF COUNSEL

---

File No.: 32477-001

May 8, 2012

**VIA EMAIL ONLY**

Mr. John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St. Suite 11-500  
Chicago, Illinois 60601

Email: [therriaj@ipcb.state.il.us](mailto:therriaj@ipcb.state.il.us)

Re: *Illinois Environmental Protection Agency v. Funk Builders, Inc.*,  
AC 2012-038 (IEPA No. 63-12-AC).

Dear Mr. Therriault:

Attached herewith, please find the Notice of Filing, Notice of Appearance, Petition for Review, and Certificate of Service of Respondent Funk Builders, Inc. Please file these documents and confirm the filing of same via a return email to me.

Please let me know if I can assist you in any way in processing these documents. Thank you for your attention to this request.

Very truly yours,



Janaki Nair

JN:tfd

Attachments

cc: Michelle M. Ryan, Esq. (via U.S. Mail, First Class)  
Justin J. Stoller, Esq. (via email, w/ encl. - [justinstoller@stollerlaw.com](mailto:justinstoller@stollerlaw.com))  
Brian J. Meginnnes, Esq.

912-0465

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2012-038
	)	
v.	)	(IEPA No. 63-12-AC)
	)	
FUNK BUILDERS, INC.,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: Illinois Environmental Protection Agency  
Division of Legal Counsel  
Attn: Michelle M. Ryan, Assistant Counsel  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on the 8<sup>th</sup> day of May, 2012, I sent for electronic filing with the Clerk of the Pollution Control Board of the State of Illinois the attached instruments entitled Notice of Filing, Notice of Appearance, Petition for Review, and Certificate of Service, via email sent to [therriaj@ipcb.state.il.us](mailto:therriaj@ipcb.state.il.us), John Therriault, Clerk, Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

  
\_\_\_\_\_  
Janaki Nair, Attorney for Respondent

Brian J. Meginnes, Esq. ([bmeginnes@emrslaw.com](mailto:bmeginnes@emrslaw.com))  
Janaki Nair, Esq. ([jnair@emrslaw.com](mailto:jnair@emrslaw.com))  
Elias, Meginnes, Riffle & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, IL 61602  
Telephone: (309) 637-6000  
Facsimile: (309) 637-8514

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2012-038
	)	
v.	)	(IEPA No. 63-12-AC)
	)	
FUNK BUILDERS, INC.,	)	
	)	
Respondent.	)	

NOTICE OF APPEARANCE

NOW COME Brian J. Meginnes and Janaki Nair of Elias, Meginnes, Riffle & Seghetti, P.C. and enter their appearance as attorneys of record on behalf of Respondent FUNK BUILDERS, INC. in the above-captioned matter.

Respectfully submitted,

ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C.

By:   
Janaki Nair, Esq.

Brian J. Meginnes, Esq. ([bmeginnes@emrslaw.com](mailto:bmeginnes@emrslaw.com))  
Janaki Nair, Esq. ([jnair@emrslaw.com](mailto:jnair@emrslaw.com))  
Elias, Meginnes, Riffle & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, IL 61602  
Telephone: (309) 637-6000  
Facsimile: (309) 637-8514

THIS FILING IS BEING MADE ELECTRONICALLY.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2012-038
	)	
v.	)	(IEPA No. 63-12-AC)
	)	
FUNK BUILDERS, INC.,	)	
	)	
Respondent.	)	

**PETITION FOR REVIEW**

NOW COMES Respondent FUNK BUILDERS, INC., by its undersigned attorneys, and as and for its Petition for Review states as follows:


1. On or about April 5, 2012, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (the "Agency") filed an Administrative Citation herein against Respondent FUNK BUILDERS, INC. ("Respondent").
2. The Administrative Citation alleges that Respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS §§5/21(p)(1), 21(p)(3), and 21(p)(7).
3. Respondent denies the alleged violations.
4. The alleged violations occurred at a construction site where certain materials naturally accumulated during construction at the site, and resulted, in part, from uncontrollable circumstances, including accumulation of items believed to be deposited by trespassers.
5. Respondent further alleges that the circumstances giving rise to the violations alleged in the Administrative Citation have been addressed and fully remediated.

THIS FILING IS BEING MADE ELECTRONICALLY.

WHEREFORE, Respondent FUNK BUILDERS, INC. respectfully requests that the Pollution Control board grant the petition for Review, and that Respondent be found not subject to any civil penalties.

Respectfully submitted,

FUNK BUILDERS, INC.,  
Respondent

By:   
One of its attorneys

Brian J. Meginnes, Esq. ([bmeginnes@emrslaw.com](mailto:bmeginnes@emrslaw.com))  
Janaki Nair, Esq. ([jnair@emrslaw.com](mailto:jnair@emrslaw.com))  
Elias, Meginnes, Riffle & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, IL 61602  
Telephone: (309) 637-6000  
Facsimile: (309) 637-8514

THIS FILING IS BEING MADE ELECTRONICALLY.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

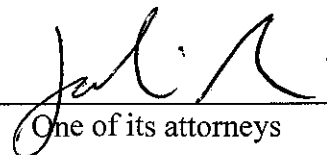
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2012-038
	)	
v.	)	(IEPA No. 63-12-AC)
	)	
FUNK BUILDERS, INC.,	)	
	)	
Respondent.	)	

**CERTIFICATE OF SERVICE**

The undersigned certifies that copies of the Notice of Filing, Notice of Appearance, Petition for Review, and Certificate of Service, were served upon the following parties to the above cause by enclosing same in an envelope addressed to them at the listed address, with postage fully prepaid and deposited in the U.S. Mail at Peoria, Illinois, this 8<sup>th</sup> day of May, 2012:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
Attn: Michelle M. Ryan, Assistant Counsel  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

FUNK BUILDERS, INC.,  
Respondent

By:   
One of its attorneys

Brian J. Meginnis, Esq. ([bmeginnis@emrslaw.com](mailto:bmeginnis@emrslaw.com))  
Janaki Nair, Esq. ([jnair@emrslaw.com](mailto:jnair@emrslaw.com))  
Elias, Meginnis, Riffle & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, IL 61602  
Telephone: (309) 637-6000  
Facsimile: (309) 637-8514  
912-0458

THIS FILING IS BEING MADE ELECTRONICALLY.