

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

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

COLONIAL BRICK CO., INC. and)
RODNEY N. BROWN D/B/A)
BROWN TRUCKING & READY MIX,)

Respondents.)

AC 13-34
(IEPA No. 322-12-AC)

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CLERK'S OFFICE
FEB 21 2013
STATE OF ILLINOIS
Pollution Control Board

 **ORIGINAL**

PETITION FOR REVIEW

NOW COME Respondents, COLONIAL BRICK CO., INC. ("Colonial") and RODNEY N. BROWN D/B/A BROWN TRUCKING & READY MIX ("Brown"), by their attorneys, Elias, Meginnes, Riffle & Seghetti, P.C., and as and for their Petition for Review of the Administrative Citation, states as follows:

ANSWER TO ADMINISTRATIVE CITATION

1. Colonial admits that it is the owner of the property. Colonial denies any and all liability arising out of or related to the Administrative Citation. Brown denies that it is the operator of the facility.

2. Respondents deny the allegations of paragraph 2.

3. Respondents deny the allegations of paragraph 3

4. Respondents admit the allegations of the first sentence of paragraph 4. The second sentence is a characterization for which no response is hereby required.

5. Respondents admit receipt of the Administrative Citation.

VIOLATIONS

Respondents deny the violations, and demand strict proof thereof.

CIVIL PENALTY

Respondents contest the imposition of any civil penalty. Additionally, Respondent lacks a current ability to pay a Civil Penalty in the amount specified in the Administrative Citation.

CONCLUSION AND REQUEST FOR REVIEW AND HEARING

Wherefore, Respondents respectfully request review of the Administrative Citation, a hearing on these matters, and for such other and further relief as is deemed appropriate.

Respectfully submitted,


COLONIAL BRICK CO., INC. and
RODNEY N. BROWN D/B/A BROWN
TRUCKING & READY MIX, Respondents

By: 
Robert M. Riffle
Its Attorneys


ROBERT M. RIFFLE
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
(309) 637-6000
613-142

CERTIFICATE OF SERVICE

The undersigned certifies that on February 20, 2013, a copy of the foregoing document was served upon each party to this case by

 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

 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.

DIVISION OF LEGAL COUNSEL
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276



Robert M. Riffle
Elias, Meghinnes, Riffle & Seghetti, P.C.
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COLONIAL BRICK CO., INC. and)
RODNEY N. BROWN D/B/A)
BROWN TRUCKING & READY MIX,)

Respondents.)

NOTICE OF APPEARANCE

To the Clerk of this Court and all parties of record:

Please enter our appearance as counsel of record in this case for the following:

**COLONIAL BRICK CO., INC. and RODNEY N. BROWN D/B/A BROWN
TRUCKING & READY MIX**

Dated: February 20, 2013

Respectfully submitted,

COLONIAL BRICK CO., INC. and
RODNEY N. BROWN D/B/A BROWN
TRUCKING & READY MIX, Respondents

By: _____



Robert M. Riffle
Its Attorneys

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

File No. 32589-001

February 20, 2013

VIA FEDERAL EXPRESS ONLY

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: IEPA v. Colonial Brick Co., Inc., et al
AC
IEPA No. 322-12-AC

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Pollution Control Board

AC13-34



ORIGINAL

Dear Clerk:

Enclosed please find the original and eleven (11) copies of a Petition for Review and Entry of Appearance on behalf of Colonial Brick Co., Inc., et al in the above-referenced matter. Our check in the amount of \$75.00 is also enclosed for cost of filing. 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. Rod Brown
613-143