

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

STREATOR PETROL PUMP,)	
<i>Petitioner,</i>)	
)	
v.)	PCB No. _____
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
<i>Respondent.</i>)	

NOTICE OF FILING

To:

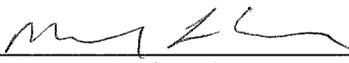
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

William D. Ingersoll
Managing Attorney
Ill. Environmental Protection Agency
1021 North Grand Ave. East
Springfield, IL 62702

PLEASE TAKE NOTICE that we have this day filed with the office of the Clerk of the Pollution Control Board the *Petition for Review* a copy of which is enclosed herewith and hereby served upon you.

July 22, 2008

STREATOR PETROL PUMP

By: 
Mandy L. Combs
One of its Attorneys

John T. Hundley
Mandy L. Combs
THE SHARP LAW FIRM, P.C.
P.O. Box 906 - 1115 Harrison
Mt. Vernon, IL 62864
618-242-0246
Counsel for Petitioner Streator Petrol Pump

III. GROUNDS FOR APPEAL

A. The Agency's contention that Streator's \$570.14 site investigation or corrective action costs are "not reasonable" as submitted is erroneous, arbitrary and capricious.

B. The Agency's contention that Streator's \$570.14 site investigation or corrective action costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) is erroneous, arbitrary and capricious.

C. The Agency's conclusion that the invoices submitted on May 14, 2008 indicate excessive markup is erroneous, arbitrary, and capricious.

IV. CONCLUSION.

For the foregoing reasons, petitioner Streator Petrol Pump respectfully petitions the Board to reverse the denial of reimbursement in the amount of \$570.14 and to order the Agency to pay Streator's attorneys' fees for this appeal.

July 22, 2008

STREATOR PETROL PUMP

By: 
One of its Attorneys

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Mandy L. Combs
THE SHARP LAW FIRM, P.C.
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Mt. Vernon, IL 62864
618-242-0246
Counsel for Petitioner Streator Petrol Pump

1005014-BP



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

RECEIVED

JUN 19 2008

JUN 17 2008

BY: ST/BB

CERTIFIED MAIL #

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Streator Petrol Pump
Attn: Salahuddin Razi
c/o Jennifer Vescogni, Southwest Bank, Acct. #0032713725
#2 Carlyle Plaza Drive
Belleville, Illinois 62221

325/RE - \$40,414.02
REINS. \$641.92 (\$570.14) = \$71.78
\$40,485.80

Re: LPC #0994905035 -- LaSalle County
Streator/Petrol Pump
2108 North Bloomington Street
Leaking UST Incident No. 20050571
Leaking UST FISCAL FILE

Vendors - \$3,715.50
(4) First Env. # 64434 - 1,122.00
64501 - 139.00
64742 - 107.00
6486 - 77.50

Dear Mr. Razi:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 732, Subpart F. This information is dated July 9, 2007 and was received by the Agency on July 10, 2007. The application for payment covers the period from January 1, 2006 to May 19, 2007. The amount requested is \$44,761.44.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the billing submittal received by the Agency on October 3, 2005 for \$80,976.68. There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On July 10, 2007, the Agency received your application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher for \$44,191.30 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Agency. This constitutes the Agency's final action with regard to the above application(s) for payment.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 993-7200
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200



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An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) and Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the applicant wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
217/782-5544

If you have any questions or require further assistance, please contact Doug Tolan of my staff at 217/782-6762.

Sincerely,



E. William Radlinski, Manager
Planning and Reporting Section
Bureau of Land

EWR:DMT:m\082084.doc

Attachment

cc: United Science Industries, Inc.
LCU File
Doug Tolan

Attachment A
Accounting Deductions

Re: LPC #0994905035 -- LaSalle County
Streator/Petrol Pump
2108 North Bloomington Street
Leaking UST Incident No. 20050571
Leaking UST FISCAL FILE

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$570.14, deduction for site investigation or corrective action costs that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

a. The actual invoices submitted May 14, 2008 indicate excessive markup:

First Environmental Labs Invoice #65745 \$273.00;
Stock Item = \$487.22; $487.22 - 273.00 = 214.22$

First Environmental Labs Invoice #65872 \$409.50;
Stock Item = \$718.50; $718.50 - 409.50 = 309.00$

First Environmental Labs Invoice #65894 \$31.20;
Stock Item = \$78.12; $78.12 - 31.20 = 46.92$

DMT:mls\082085.doc

0/3778

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I caused copies of the foregoing document to be served by placement in the United States Post Office Mail Box at 14th & Main Streets in Mt. Vernon, Illinois, before 6:00 p.m. this date, in sealed envelopes with proper first-class postage affixed, addressed to:

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

William D. Ingersoll
Managing Attorney
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July 22, 2008



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