

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

EVELYN M. PAGE TRUST, WAYNE A.)	
PAGE, AND KENNARD PAGE,)	
SUCCESSOR TRUSTEES,)	
Petitioners,)	
)	
v.)	PCB 2019-053
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

PETITIONERS' MOTION TO DISMISS

NOW COME Petitioners, the EVELYN M. PAGE TRUST, WAYNE A. PAGE and KENNARD PAGE, Successor Trustees, by their undersigned attorney, pursuant to Section 101.500 of the Board's Procedural Rules and ask the Board to dismiss this UST appeal, stating as follows:

1. During the pendency of this UST appeal, the parties have been able to resolve their disagreements. (See attached decision letter)
2. In accordance with the Settlement Agreement, the settlement in the amount of \$915.00 shall be paid to the Petitioners within Sixty (60) days after the entry of the Order dismissing this appeal.
3. Accordingly, Petitioners no longer seek to appeal the Respondent's UST decision.

WHEREFORE, Petitioners pray for an Order from the Board dismissing this matter and closing the docket, except that the Board shall reserve the power and authority to enforce the terms of the settlement.

Respectfully submitted,
EVELYN M. PAGE TRUST, WAYNE A. PAGE
AND KENNARD PAGE, Successor Trustees,
Petitioners

By: 
 Robert L. Potts, Esq.
 WHITNEY & POTTS,
 118 West Main Street
 P.O. Box 368
 Elmwood, IL 61529-0368
cori@whitneyandpotts.com
 Dated: May ____, 2021

CERTIFICATE OF SERVICE

I, the undersigned attorney at law on behalf of the Petitions, hereby certify that on **May __, 2021**, I served true and correct copies of a **Motion to Dismiss**, via the Board's COOL system and email, upon the following named persons:

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
don.brown@illinois.gov

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274
carol.webb@illinois.gov

Melanie A. Jarvis
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
melanie.jarvis@illinois.gov

EVELYN M. PAGE TRUST, WAYNE A. PAGE
AND KENNARD PAGE, Successor Trustees,
Petitioners

By: _____
Robert L. Potts, Esq.
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 524-3300

CERTIFIED MAIL #

7020 2450 0000 1645 1115

MAY 11 2021

Evelyn M. Page Trust
C/O Whitney & Potts, LTD.
118 West Main Street
Elmwood, Illinois 61529-0368

Re: LPC 1438185006 – Peoria County
Trivoli / Evelyn M. Page Trust
23907 West Farmington Road
Incident-Claim No.: 20170100-71975
Queue Date: April 13, 2021
Leaking UST Fiscal File

Dear Mr. Page:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your correspondence dated April 15, 2021 and received by the Illinois EPA on April 15, 2021 regarding an application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

As a result of Illinois EPA's review of the application for payment and the settlement agreement proposed on April 15, 2021, a voucher for \$915.00 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA 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 Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

The deductible amount for this claim is \$5,000.00, which was previously withheld from your payment(s). Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9 of the Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

If you have any questions or require further assistance, please contact me at (217) 782-3335.

Sincerely,

A handwritten signature in black ink that reads "Brian P. Bauer". The signature is written in a cursive style with a large, stylized initial "B".

Brian P. Bauer
Leaking UST Claims
Leaking Underground Storage Tank Section
Bureau of Land

c: Melanie Jarvis DLC
Leaking UST Claims Unit