



OFFICE OF THE ILLINOIS STATE FIRE MARSHAL

JB Pritzker, Governor
Dale Simpson, Acting State Fire Marshal

February 6, 2023

Barbara Flynn-Currie, Chairperson
Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605

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FEB 14 2023

STATE OF ILLINOIS
Pollution Control Board

RE: Reliable Stores, Inc v. OSFM, PCB 2019-002 (LUST Permit Appeal)

Dear Honorable Ms. Flynn-Currie:

The above matter was remanded by the 1st Appellate District with instructions for the Pollution Control Board (hereinafter "PCB" or "Board") to issue an E & D decision in favor of eligibility and to determine the deductible. The Office of the State Fire Marshal ("OSFM") has since learned that Reliable Stores, Inc. was involuntarily dissolved by the Illinois Secretary of State at some point after Reliable Stores, Inc. initially filed its appeal of the OSFM decision to the PCB. OSFM intends to issue the E & D decision as to Reliable Stores, Inc. before the statutory deadline of March 13, 2023 because OSFM believes it is statutorily bound to issue an E & D decision only to the original entity that filed the request. While OSFM intends to fully comply with the Appellate District's order within the boundaries of OSFM's statutory authority, in the spirit of transparency, OSFM wishes to make parties aware of the administrative obstacle it is facing. OSFM is therefore inviting direction from PCB as to how to proceed in light of Reliable Store's Inc.'s dissolved corporate status and whether the Board would have an objection to OSFM taking the course of action outlined above.

Thank you for considering this question. As noted, due to a statutory deadline of 60 days in which to issue such determination, OSFM is obligated to take action by March 13, 2023. Consequently, OSFM would kindly request the Board to respond or provide its input in three weeks, or by not later than February 27, 2023, if at all possible. Barring feedback to the contrary by that date, OSFM will plan to proceed as outlined above. I can be reached at 217-785-5758 or at Thomas.Andryk@illinois.gov. Please let us know if you have any questions regarding this matter, and thank you for considering OSFM's question.

Sincerely,

A handwritten signature in black ink that reads "Tom Andryk".

Tom Andryk
Technical Advisor III and Agency Counsel

Enclosure

cc: Marie Tipsord, General Counsel
Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605

Patrick D. Shaw, Counsel for Reliable Stores, Inc.
Law Office of Patrick D. Shaw
80 Bellerive Road
Springfield, IL 62704-3190



CLERK'S OFFICE
APPELLATE COURT FIRST DISTRICT
STATE OF ILLINOIS
160 NORTH LA SALLE STREET, RM S1400
CHICAGO, ILLINOIS 60601

November 18, 2022

Illinois Pollution Control Board
60 E. Van Buren Street
Suite No.: 630
Chicago, IL 60605

Attention: Don A. Brown, Clerk

RE: OFFICE OF THE STATE FIRE MARSHAL v. ILLINOIS POLLUTION CONTROL BOARD

General No.: 1-21-0507

County: Illinois Pollution Control Board

Trial Court No: 19-02

Attached is the Mandate of the Appellate Court in the above entitled cause.

We are sending the attorneys of record a copy of this letter to inform them that the mandate of the Appellate Court has been filed with you.

Thomas D. Palella
Clerk of the Appellate Court

c: Attorney General of Illinois - Civil Division
Marie E. Tipsord
Patrick Dayle Shaw
Vanessa Cordonnier Horton

