

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

SIX M CORPORATION, INC.,)	
Petitioner,)	
v.)	PCB _____
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

To: Don Brown, Clerk	Division of Legal Counsel
Illinois Pollution Control Board	Illinois Environmental Protection Agency
60 East Van Buren	2520 W Iles Ave
Suite 630	P.O. Box 19276
Chicago, IL 60605	Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a PETITION FOR REVIEW OF THE AGENCY LUST DECISION, a copy of which is herewith served upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 5th day of November 2025.

Respectfully submitted,
SIX M CORPORATION, INC.,
Petitioner,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw
LAW OFFICE OF PATRICK D. SHAW
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Springfield, IL 62704
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIX M CORPORATION, INC.,)	
Petitioner,)	
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v.)	PCB _____
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
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PETITION FOR REVIEW OF AGENCY LUST DECISION

NOW COMES Petitioner, SIX M CORPORATION, INC., pursuant to Section 57.8(I) of the Illinois Environmental Protection Act, 415 ILCS 5/57.8(I), hereby appeals the Illinois Environmental Protection Agency's failure to notify Petitioner of its final decision within 180 days of submission of an application for payment, stating as follows:

1. Petitioner is the former owner of a self-service station in Farmer City, DeWitt County, Illinois, which had been assigned LPC #0390150003.
2. On March 8, 2006, Petitioner reported releases from all three underground storage tanks at the facility. Incident Number 2006-0291 was assigned to the releases.
3. On July 13, 2006, all tanks were removed as part of early action activities.
4. Further remediation of the releases was delayed by a neighboring property owner's refusal to provide access for investigation and remediation. On August 25, 2011, the Attorney General filed an enforcement action before the Board. People v. Six M Corporation, PCB 2012-035. Neighboring property owner, James McIlvain, was joined as in interested party.
5. Thereafter, Petitioner entered into a series of agreements to resolve disputes with the neighboring property owner, in which *inter alia*, Petitioner paid \$15,750.00 to McIlvain for access and property damage.

6. On May 6, 2022, Petitioner's attorney submitted a Request for Indemnification pursuant to Section 57.8(a) of the Act (415 ILCS 5/57.8(a)), seeking payment of the \$15,750.00 that Petitioner paid to a third party. A true and correct copy of the cover letter is attached hereto as Exhibit A.

7. On January 24, 2023, the Attorney General filed a Stipulation and Proposal for Settlement with the Board in the enforcement action. Among other things, the Stipulation recognized Petitioner's compliance activities to date included negotiating "access to the Mcilvain property to perform the approved remedial activity."

8. On April 6, 2023, the Board accepted the stipulation and proposal for settlement in the enforcement action.

9. The Underground Storage Tank Fund was created to pay both corrective action and indemnification (415 ILCS 5/57.11(a)(5)), each subject to a separate limit of \$1.5 million per occurrence. (415 ILCS 5/57.8(g))

10. Requests for payment of indemnification are made pursuant to Section 57.8(a) of the LUST Program, which governs all applications for payment. (415 ILCS 5/57.8(a) & (c)) The Request for Indemnification was made using Agency forms for applications for payment from the UST Fund.

11. The Request for Indemnification was received by the Agency on May 11, 2022. See Exhibit B (screenshot from Agency website taken November 4, 2025).

12. "If the Agency fails to approve the payment application within 120 days, such application shall be deemed approved by operation of law and the Agency shall proceed to reimburse the owner or operator the amount requested in the payment application." (415 ILCS

5/57.8(a)(1)); see also 35 Ill. Adm. Code § 734.610(d)) (similar))

13. Petitioner has not received any notice of the Agency's final action on the application for payment, nor has Petitioner given any waiver of the decision deadline. Therefore, the application is deemed approved by operation of law. (415 ILCS 5/57.8)(a)(1))

14. Petitioner has incurred, and continues to incur, legal costs seeking payment from the UST Fund for costs of indemnification, which the Board may authorize payment from the UST Fund pursuant to Section 57.8(l) of the Act. (415 ILCS 5/57.8(l))

WHEREFORE, Petitioner, SIX M CORPORATION prays that: (a) the Agency produce the Record; (b) a hearing be held; (c) the Board deem the application approved by operation of law and direct the Agency to pay Petitioner \$15,750.00, plus legal costs for seeking payment from the UST Fund, and (d) the Board grant Petitioner such other and further relief as it deems meet and just.

SIX M CORPORATION ,
Petitioner

By its attorneys,
LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

Patrick D. Shaw
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Law Office of Patrick D. Shaw

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May 6, 2022

Illinois Environmental Protection Agency
Leaking Underground Storage Tank Section
P.O. Box 19276
Springfield, IL 62794-9267

Re: LPC#0390150003
Six-M Corporation, Inc. (Walker Tire Service)
Farmer City (DeWitt), IL
LUST Incident 20060291

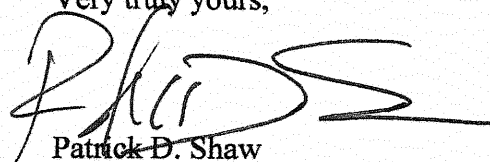
To whom it may concern:

On behalf of Six M Corporation, Inc., please find enclosed an original and one copy of a request for payment of costs of indemnification submitted pursuant to Section 57.8 of the Illinois Environmental Protection Act (415 ILCS 5/57.8) and Section 734.650 of the Board's Regulations (35 Ill. Adm. Code § 734.650). Due to a pending enforcement matter at the site, I am also forwarding copies of the request to the last known legal counsel associated with the file for both the Attorney General's Office and the Illinois Environmental Protection Agency.

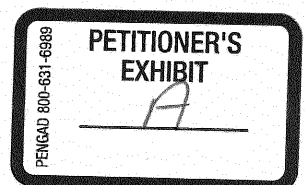
We hope the enclosed documentation is sufficient for your needs and requirements. Should you have any questions or require additional information please do not hesitate to ask.

Very truly yours,

BY:


Patrick D. Shaw

cc: Melanie Jarvis (IEPA)
Elizabeth Dubats (AGO)



Leaking UST

[Return to List](#)

Walker Tire & Muffler

430 West Clinton Avenue, Farmer City, IL
DeWitt county

Incident Number:	20060291	LPC Number:	0390150003	IEMA Date:	3/08/2006
Regulated By:	734	Products:	Gasoline, Diesel	Project Manager:	Michael Piggush Michael.Piggush@illinois.gov (217) 782-3101
20 Day Rpt:	3/17/2006	45 Day Rpt:	4/13/2006	Heating Oil Date:	
NFR Date:		Pre-74 Date:		Non-LUST Date:	
NFR Recorded:		NFR Voided:		NFR Rescission:	

[Location](#) [General](#) [Title XVI](#) [TACO](#) [Claims](#) [Primary Responsible Party](#)

Bills Received	Status Code	Amount Requested	Amount Paid	Voucher Date	Deductible
9/19/2006	VOP	\$73,868.32	\$51,110.82	3/10/2008	\$15,000.00
9/19/2006	VOP	\$7,757.50	\$7,757.50	3/10/2008	\$0.00
7/22/2013	VOP	\$18,522.66	\$18,522.66	9/20/2013	\$0.00
4/24/2015	VOP	\$4,107.04	\$3,951.77	8/11/2015	\$0.00
2/17/2016	VOP	\$47,372.25	\$47,033.98	7/19/2016	\$0.00
9/20/2021	FMU	\$59,998.62	\$56,390.46	Invalid date	\$0.00
1/04/2022	FMU	\$362.43	\$362.43	Invalid date	\$0.00
5/11/2022	NRE	\$15,750.00	\$0.00	Invalid date	\$0.00

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PENGAD 800-631-6989

PETITIONER'S
EXHIBIT