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JUN 26 2003

STATE OF ILLINOIS
Pollution Control Board

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

CADY OIL CO.,)	
)	
Petitioner,)	
)	
vs.)	
)	PCB No. 03-177
ILLINOIS ENVIRONMENTAL)	(UST Appeal – Petition for Review and
PROTECTION AGENCY,)	Hearing/Appeal)
)	
Respondent.)	

PETITION FOR REVIEW AND HEARING/APPEAL

NOW COMES Cady Oil Co., by its attorneys, Elias, Meginness, Riffle & Seghetti, P.C., and as and for its Petition for Review and Hearing/Appeal of the Illinois Environmental Protection Agency's final decision with respect to the modification of the budget for a High Priority Site Investigation Corrective Action Plan for a certain leaking underground storage tank (LUST) site, states as follows:

BACKGROUND

1. Cady Oil Co. retained Midwest Environmental Consulting & Remediation Services, Inc. (Midwest) to remediate the property located at 2520 North Sterling Ave., Peoria, Illinois, LPC #1430655526, LUST Incident No. 990212 (the Property).
2. The Property was classified as a High Priority Site. A High Priority Site Investigation Corrective Action Plan was prepared and executed and dated December 18, 2002, and stamped received by the IEPA on January 13, 2003.
3. The Total Proposed Budget for the High Priority Site Investigation Correction Action Plan was \$40,036.16 (the Budget).
4. By letter dated February 21, 2003 the IEPA modified the plan and Budget, and

approved a budget of \$27,595.96, for a reduction of \$12,440.20. That letter was designated as a final and appealable order (the Final Decision).

5. The parties timely requested a ninety (90) day extension of the appeal period. That request was granted, and the deadline was extended to June 26, 2003.

ARGUMENT

In the February 21, 2003 letter, the IEPA rejected the Budget, in part, on several grounds, and substantially modified the Budget. Cady Oil Co. (and its contractor, Midwest) disagree with these determinations, and affirmatively state that the Budget entries were reasonable, customary, and necessary, and in full compliance with applicable statutes and regulations. Specifically, all of the work described in the Budget was necessary, and the budgeted amounts were reasonable and proper.

CONCLUSION

For all of the foregoing reasons, Cady Oil Co. respectfully requests a hearing in this matter, which will provide it the opportunity to establish the propriety of the Budget Submitted, and that the Final Decision be reversed or modified by increasing and accepting the budget as initially proposed, thereby allowing additional reimbursement in the amount of \$12,440.20.

Respectfully submitted,

Cady Oil Co., Petitioner

By: _____


Robert M. Riffle
Its Attorney

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CERTIFICATE OF SERVICE

The undersigned certifies that on June 25, 2003, a copy of the foregoing document was served upon each party to this case by

- 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.
- Personal delivery to the attorney of record of each party at the address(es) listed below
- Facsimile transmission with confirmation by United States Mail
- Via Federal Express - Express Package Service - Priority Overnight

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