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FEB 23 2004

STATE OF ILLINOIS  
Pollution Control Board

COPY

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GREAT LAKES DREDGE &  
DOCK COMPANY, a New Jersey  
Corporation,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PCB No. 04-143

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
(VIA FIRST CLASS MAIL)

Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies each of an **ENTRY OF APPEARANCE OF J. RANDLE SCHICK** and **PETITION FOR REVIEW OF AGENCY DETERMINATION REGARDING BUDGET AMENDMENT #001 OF THE SITE INVESTIGATION BUDGET AND THE CORRECTIVE ACTION PLAN**, copies of which are herewith served upon you.

Respectfully submitted,

GREAT LAKES DREDGE &  
DOCK COMPANY,  
Petitioner,

Dated: February 17, 2004

By: 

J. Randle Schick

J. Randle Schick  
Of Counsel  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

THIS FILING SUBMITTED ON RECYCLED PAPER

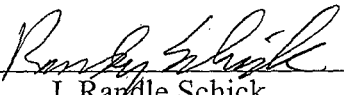
**CERTIFICATE OF SERVICE**

I, J. Randle Schick, the undersigned, certify that I have served the attached  
ENTRY OF APPEARANCE OF J. RANDLE SCHICK and PETITION FOR REVIEW  
OF AGENCY DETERMINATION REGARDING BUDGET AMENDMENT #001 OF  
THE SITE INVESTIGATION BUDGET AND THE CORRECTIVE ACTION PLAN  
upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
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by depositing said documents in the United States Mail in Springfield, Illinois, postage  
prepaid, on February 17, 2004.

  
\_\_\_\_\_  
J. Randle Schick

GLDD:001/Fil/NOF – Petition for Review

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Pollution Control Board

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Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Respondent. )

PCB No. 04143


**ENTRY OF APPEARANCE OF J. RANDLE SCHICK**

NOW COMES J. Randle Schick, of the law firm of HODGE DWYER ZEMAN,  
and hereby enters his appearance on behalf of Petitioner, GREAT LAKES DREDGE &  
DOCK COMPANY.

Respectfully submitted,

GREAT LAKES DREDGE &  
DOCK COMPANY,  
Petitioner,

By:

  
J. Randle Schick

Dated: February 17, 2004

J. Randle Schick  
Of Counsel  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
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GLDD:001/Fil/EOA - JRS

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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GREAT LAKES DREDGE &  
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Corporation,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PCB No. 04-143

**PETITION FOR REVIEW OF AGENCY DETERMINATION  
REGARDING BUDGET AMENDMENT #001 OF THE SITE  
INVESTIGATION BUDGET AND THE CORRECTIVE ACTION PLAN**

NOW COMES Petitioner, GREAT LAKES DREDGE & DOCK COMPANY ("Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, and pursuant to Sections 40 and 57.7(c)(4)(D) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40 and 5/57.7(c)(4)(D)), and 35 Ill. Admin. Code Part 105, hereby requests review of the decision by the Respondent, Illinois Environmental Protection Agency ("Agency"), regarding Petitioner's Amended Site Investigation Budget and Corrective Action Plan. In support of this Petition, the Petitioner states as follows:

1. Petitioner is the owner of certain property located at 9320 South Ewing Avenue, Chicago, Illinois, hereinafter referred to as "the site."
2. Petitioner is the owner of underground storage tanks ("USTs") formerly located at the site.

3. On October 3, 2003, Petitioner submitted its Budget Amendment #001 to the Site Investigation Budget for Leaking Underground Storage Tank ("LUST") Incident No. 921587.

4. By letter dated January 14, 2004, the Agency rejected the Budget Amendment #001 Site Investigation Budget. (The Agency's letter is attached as Exhibit A). The letter further stated that "[A]n underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board."

5. On October 24, 2003, Petitioner submitted its Corrective Action Plan for LUST Incident No. 921587.

6. By letter dated February 9, 2004, the Agency rejected the Corrective Action Plan. (The Agency's letter is attached as Exhibit B). The letter further stated that "[A]n underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board."

7. Petitioner is seeking review of the Agency's January 14, 2004, determination rejecting Petitioner's Budget Amendment #001 to the Site Investigation Budget and of the Agency's February 9, 2004, determination rejecting Petitioner's Corrective Action Plan for the above-referenced LUST incident. The Agency's determinations are arbitrary, capricious, and without statutory authority. Furthermore, the Agency is bound on review by its cited reasons.

WHEREFORE, for the above and foregoing reasons, Petitioner, GREAT LAKES DREDGE & DOCK COMPANY, respectfully requests that the Illinois Pollution Control Board grant the following relief:

1. Find that the Agency's January 14, 2004, and February 9, 2004, decisions are arbitrary and capricious, and without statutory authority;
2. Reverse the Agency's decisions rejecting Petitioner's Budget Amendment #001 to the Site Investigation Budget and the Corrective Action Plan;
3. Remand this matter to the Agency with instructions to approve the Budget Amendment #001 of the Site Investigation Budget and Corrective Action Plan as submitted, as provided by the Act, but not inconsistent with the Illinois Pollution Control Board's order;
4. Award Petitioner reasonable attorney's fees and expenses incurred in bringing this action; and
5. Award such further relief as deemed just and equitable in these premises.

Respectfully submitted,

GREAT LAKES DREDGE &  
DOCK COMPANY,  
Petitioner,

By: 

J. Randle Schick

Dated: February 17, 2004

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Of Counsel  
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