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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ARYLN D. FISK, d/b/a)	
ARLYN FISK'S SERVICE CENTER,)	
Petitioner,)	
)	
v.)	PCB 06-130
)	(UST appeal)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

To: Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, IL 60601-3218

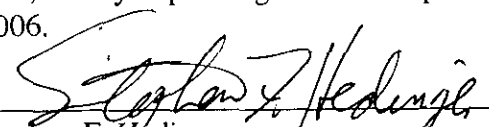
Carol Webb, Esq., Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

Division of Legal Counsel –
Attn. Melanie Jarvis
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on the 7th day of April, 2006, we sent via U.S. first class mail to the Clerk of the Pollution Control Board the original and nine copies of the PETITION FOR REVIEW for filing in the above entitled cause.

The undersigned certifies that a true and correct copy of the PETITION FOR REVIEW was served upon each of the above-identified individuals via U.S. mail, by enclosing the same in envelopes properly addressed, with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mail box, on the 7th day of April, 2006.


Stephen F. Hedinger

Hedinger Law Office
2601 S. Fifth St.
Springfield, IL 62703
(217) 523-2753 phone
(217) 523-4366 fax
hedinger@cityscape.net

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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STATE OF ILLINOIS
Pollution Control Board

ARYLN D. FISK, d/b/a)
ARLYN FISK'S SERVICE CENTER,)
Petitioner,)
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v.)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

PCB 06-130
(UST appeal)

PETITION FOR REVIEW

NOW COMES Petitioner, ARLYN D. FISK, d/b/a ARLYN FISK'S SERVICE CENTER, through its undersigned attorney, and pursuant to Section 40(a)(1) of the Environmental Protection Act, 415 ILCS 5/40(a)(1), and Section 105 Subpart D of this Board's procedural regulations, 35 Ill. Adm. Code 105.400-105.412, hereby seeks review of the decision of Respondent ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA) in a letter dated December 7, 2005 (a true and correct copy of which is attached hereto, and incorporated herein, as Exhibit A), denying reimbursement from the Leaking Underground Storage Tank Fund, and alternatively denying a portion of Petitioner's request for reimbursement. In support of this Petition, Petitioner states as follows:

1. Petitioner is owner/operator of a facility located at 210 East Pine Street in Percy, Randolph County, Illinois, at which suspected leaking underground storage tanks were located, and at which LUST Incident No. 20050237 was reported, and at which remediation (including early action) has taken place.
2. Following completion of early action in compliance with Title XVI of the Environmental Protection Act, Petitioner submitted to the IEPA on July 6, 2005, his application for payment from the Underground Storage Tank Fund, pursuant

to Section 57.8(a) of the Environmental Protection Act, 415 ILCS 5/57.8(a), for payment in reimbursement for work performed between February 15, 2005 and May 27, 21005. The amount requested was \$20,410.10.

3. On December 7, 2005, the IEPA issued its letter of that date denying reimbursement on the ground that the IEPA "cannot determine whether a release occurred, prior to those activities performed on 9/26/2005." The letter also denied reimbursement of handling charges in the amount of \$831.50 as ineligible, on the grounds of insufficient information.
4. On January 13, 2006, Petitioner and IEPA submitted to this Board a joint notice to extend the 35-day period to appeal the December 7, 2005 determination, pursuant to 415 ILCS 5/40(a)(1), and 35 Ill. Adm. Code 105.401 and 105.406.
5. On January 9, 2006, this Board entered an order in this case acknowledging the parties' joint notice to extend the 35-day period for Petitioner to seek review of the IEPA's final decision, and extending the date for Petitioner to file its petition for review until April 13, 2006.
6. Among other things, the IEPA's final decision finding none of the costs eligible for reimbursement is in error as a matter of law and fact.
7. Also among other things, the IEPA's final decision finding that \$831.50 could not be reimbursed is also in error as a matter of law and fact.
8. Accordingly, the IEPA's final decision letter in total resulted in erroneous reimbursement determinations in the amount of \$20,410.10, less the \$10,000 applicable deductible, for a total erroneous reimbursement determination of \$10,410.10, which Petitioner seeks in this LUST Fund reimbursement appeal.

WHEREFORE, Petitioner, ARLYN D. FISK, d/b/a ARLYN FISK'S SERVICE CENTER, requests that this Board reverse the IEPA's denial of LUST Fund reimbursement, and award to Petitioner \$10,410.10 in additional LUST Fund reimbursement, and award to Petitioner his attorney fees and costs, and award to Petitioner all such other and further relief as may be within this Board's jurisdiction and authority.

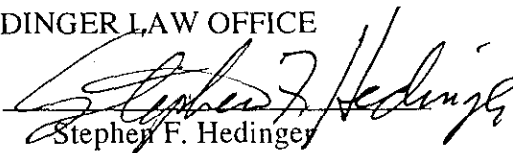
Respectfully submitted,

ARLYN D. FISK, d/b/a ARLYN FISK'S
SERVICE CENTER
Petitioner,

By his attorney,

HEDINGER LAW OFFICE

By


Stephen F. Hedinger

Hedinger Law Office
2601 S. Fifth St.
Springfield, IL 62703
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