

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DISTRESSED PROPERTIES, INC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 15-108
(UST Appeal)

RECEIVED
CLERK'S OFFICE
MAY 26 2015
STATE OF ILLINOIS
Pollution Control Board

NOTICE

John T. Therriault
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Elizabeth S. Harvey
Swanson, Martin & Bell, LLP
330 North Wabash
Suite 3000
Chicago, Illinois 60611

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601

 **ORIGINAL**

PLEASE TAKE NOTICE that I have today caused to be filed a MOTION FOR LEAVE TO FILE RECORD *INSTANTER* with the Illinois Pollution Control Board, a copy of which is served upon you.

Respectfully submitted,


ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

Dated: May 22, 2015

Scott B. Sievers
Attorney Registration No. 6275924
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

BY:



Scott B. Sievers
Special Assistant Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DISTRESSED PROPERTIES, INC.,)
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 Petitioner,)
)
 v.) PCB 15-108
) (UST Appeal)
 ILLINOIS ENVIRONMENTAL)
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MOTION FOR LEAVE TO FILE RECORD *INSTANTER*

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney, Special Assistant Attorney General Scott B. Sievers, and moves for leave to file the record *instanter*. In support, the Respondent states the following:

1. On May 5, 2015, the Hearing Officer granted the Respondent's Motion for Extension of Time to File Administrative Record without objection, extending the time to May 14, 2015.

2. The record in this action has proven more difficult to review and compile than anticipated at the time that Respondent's original motion was filed. Further, the record spans more than 1,800 pages, which required that it be sent to the Respondent's print shop for production rather than to photocopiers, as has been the usual practice. Consequently, the Respondent was unable to complete and file the record by May 14, 2015.

3. Consequently, and due to the unanticipated difficulties encountered in reviewing, compiling, and producing the record, the Respondent now moves for leave to file the record *instanter*.

4. The undersigned has conferred with counsel for the Petitioner, and the Petitioner has no objection to this motion.

WHEREFORE, the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, prays that this honorable Board or the honorable Hearing Officer ALLOW the Respondent's MOTION FOR LEAVE TO FILE RECORD *INSTANTER*.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Dated: May 22, 2015

Scott B. Sievers
Attorney Registration No. 6275924
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Respondent,

BY:



Scott B. Sievers
Special Assistant Attorney General

Distressed Properties, Inc. v. Illinois Environmental Protection Agency
Pollution Control Board No. 15-108

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MAY 26 2015
STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

Scott B. Sievers, Special Assistant Attorney General, herein certifies that he has served a copy of the foregoing MOTION FOR LEAVE TO FILE RECORD *INSTANTER* upon:

John T. Therriault
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Elizabeth S. Harvey
Swanson, Martin & Bell, LLP
330 North Wabash
Suite 3000
Chicago, Illinois 60611

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601

by mailing true copies thereof to the addresses referred to above in envelopes duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois, on May 22, 2015.

Respectfully submitted,

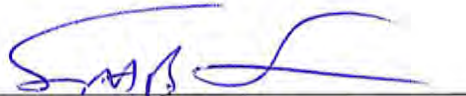
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Dated: May 22, 2015

Scott B. Sievers
Attorney Registration No. 6275924
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Respondent,

BY:



Scott B. Sievers
Special Assistant Attorney General

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CERTIFICATE OF RECORD ON APPEAL

Pursuant to 35 Ill. Adm. Code 105.116(b) and 105.410, the following constitutes an index of documents comprising the record:

PAGES	DOCUMENT	DATE
0001-0010	OSFM letter /information	8/24/2001
0011-0144	Corrective Action Plan	2/9/2004
0145-0153	Agency Review Notes	5/17/2004
0154-0158	Agency Corrective Action Plan approval letter	5/20/2004
0159-0194	Reimbursement claim for \$29,376.65	8/12/2004
0195-0445	Corrective Action Plan	1/24/2005
0446-0457	Agency Review Notes	5/18/2005
0458-0465	Agency Corrective Action Plan rejection letter	5/19/2005
0466-0512	Corrective Action Plan	8/15/2005
0513-0543	Agency Review Notes	10/31/2005
0544-0551	Agency Corrective Action Plan approval with modifications letter	11/2/2005
0552-0601	Reimbursement claim for \$70,376.00	5/15/2006
0602-0672	Reimbursement claim for \$101,575.92	3/5/2007
0673-0757	Progress Report	4/23/2009
0758-0836	Reimbursement claim for \$98,172.00	12/30/2009
0837-1128	Corrective Action Completion Report Volume I	3/07/2014
1129-1379	Corrective Action Completion Report Volume II	3/07/2014

1380-1639	Corrective Action Completion Report Volume III	3/07/2014
1640-1649	Agency Review Notes	3/26/2014
1650-1656	Agency No Further Remediation letter (recorded)	4/18/2014
1657-1665	Agency reimbursement denial letter (subject of the appeal)	11/26/2014
1666-1699	Agency reimbursement review notes and documents	11/26/2014
1700-1804	Reimbursement claim for \$86,434.77	11/26/2014
1805-1815	Agency tracking spreadsheet	11/26/2014

I, BRIAN BAUER, certify that the entire record of the Respondent's decision, as defined in 35 Ill. Adm. Code 105.410(b), is hereby enclosed.

BY:



Brian Bauer
Environmental Protection Specialist III
Leaking Underground Storage Tank Section
Illinois Environmental Protection Agency