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CLERK'S OFFICE

JUL 2 2003

STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

SCI ILLINOIS SERVICES, INC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)
)

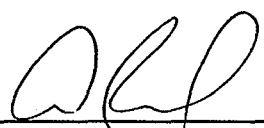
PCB- 04-03
(UST Review)

NOTICE OF FILING

To: Respondent

PLEASE TAKE NOTICE that on July 2, 2003, we filed with the Clerk of the Illinois Pollution Control Board, 100 West Randolph Street, James R. Thompson Center Suite 11-500, Chicago, Illinois, 60601-3218, an original and nine (9) copies of **PETITION FOR REVIEW AND HEARING TO CONTEST THE UST REIMBURSEMENT DECISION OF THE ILLINOIS EPA**; a copy of said Petition is attached hereto and hereby served upon you. Counsel's **APPEARANCE** is also served upon you.

SCI ILLINOIS SERVICES, INC.

By  _____
One of Its Attorneys

Andrew H. Perellis
Lorena S. Neal
SEYFARTH SHAW
55 East Monroe Street
Suite 4200
Chicago, Illinois 60603
(312) 346-8000

THIS FILING IS MADE ON RECYCLED PAPER

AFFIDAVIT OF SERVICE

The undersigned, an attorney, states that he caused a copy of the attached:

- (i) PETITION FOR REVIEW AND HEARING TO CONTEST THE UST REIMBURSEMENT DECISION OF THE ILLINOIS EPA,
- (ii) APPEARANCE, and
- (iii) NOTICE OF FILING,

to be served upon the following by Certified Mail, Return Receipt Requested, from 55 East Monroe St., Chicago, Illinois 60603, this 2nd day of July, 2003:

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

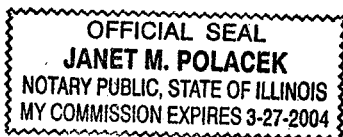


Andrew H. Perellis

SUBSCRIBED TO AND SWORN BEFORE ME
THIS 2ND DAY OF July, 2003



NOTARY PUBLIC



BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

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SCI ILLINOIS SERVICES, INC.,)
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Petitioner,)
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ILLINOIS ENVIRONMENTAL)
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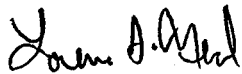
STATE OF ILLINOIS
Pollution Control Board

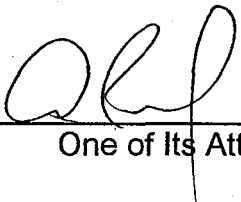
PCB- 04-03
(UST Review)

APPEARANCE

Andrew H. Perellis and Lorena S. Neal of the law firm, SEYFARTH SHAW, hereby enter their appearance as counsel for Petitioner, SCI Illinois Services, Inc. Andrew H. Perellis is designated as the lead attorney for purposes of mail and phone contact pertaining to this proceeding.

SCI ILLINOIS SERVICES, INC.

By 
One of Its Attorneys

By 
One of Its Attorneys

Andrew H. Perellis
Lorena S. Neal
SEYFARTH SHAW
55 East Monroe Street
Suite 4200
Chicago, Illinois 60603
(312) 346-8000

JUL 2 2003

STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

SCI ILLINOIS SERVICES, INC.,)
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Petitioner,)
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v.)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)
)

PCB- 0403
(UST Review)

**PETITION FOR REVIEW AND HEARING
TO CONTEST THE UST REIMBURSEMENT DECISION OF THE ILLINOIS EPA**

Petitioner, SCI Illinois Services, Inc., by its attorneys, SEYFARTH SHAW, pursuant to Sections 57.7(c)(4)(D) and 40 of the Illinois Environmental Protection Act ("Act"), 415 ILCS §§ 5/57.7 and 5/40, hereby seeks review of the June 11, 2003 decision of the Agency to deny reimbursement in the amount of \$29,611.60, and in support thereof, states as follows:

1. Petitioner removed certain underground storage tanks pursuant to the requirements of 35 Ill. Admin. Code Part 732, and thereafter submitted to the Agency for its review and approval a Site Classification Completion Report in which the Site was classified as "No Further Action."

2. The Agency, by letter dated May 27, 2003, rejected the Site Classification Completion Report and an appeal of this decision is pending before the Board in PCB 04-01.

3. The Agency, by letter dated June 11, 2003, denied reimbursement to Petitioner in the amount of \$29,611.60 with respect to the UST removal. A copy of this

denial letter is attached hereto as Exhibit A. The stated basis for the denial is that an approved site classification report had not been submitted. The denial letter further states that once an approved site classification report has been submitted, this claim will be processed. Petitioner believes the Site Classification Completion Report it submitted (which is now the subject of appeal in PCB 04-01) should have been approved by the Agency, and that, accordingly, the denial of the reimbursement claim was improper.

REQUESTED RELIEF


WHEREFORE, SCI Illinois Services, Inc. respectfully requests that the Board:

- a. grant a hearing to review the decision of the Agency;
- b. determine that the Agency erred in rejecting the Petitioner's claim for reimbursement in the amount of \$29,611.60;
- c. order the Agency to pay the claim for reimbursement;
- d. grant Petitioner the costs of litigation, including attorney fees; and
- e. grant such other relief as this Board deems appropriate.

Respectfully submitted,

SCI ILLINOIS SERVICES, INC.

By _____


One of Its Attorneys

Andrew H. Perellis
Lorena S. Neal
SEYFARTH SHAW
55 E. Monroe St., Suite 4200
Chicago, Illinois 60603
(312) 346-8000



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

JUN 11 2003

Memory Gardens Cemetery
 Attention: Ron Graeff
 2501 East Euclid
 Arlington Heights, IL 60004

Re: LPC #0314035310 -- Cook County
 Arlington Heights/Memory Gardens Cemetery, Inc.
 2501 East Euclid
 LUST Incident No. 990286
 LUST FISCAL FILE

Dear Mr. Graeff:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced LUST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 732, Subpart F. This information is dated February 12, 2003 and was received by the Agency on March 26, 2003. The application for payment covers the period from August 1, 2003 to February 14, 2003. The amount requested is \$29,611.60.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the billing submittal received by the Agency on August 14, 2002 for \$26,485.07. There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On May 27, 2003, the Agency received your complete application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher cannot be prepared for submission to the Comptroller's office for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Agency. This constitutes the Agency's final action with regard to the above application(s) for payment.

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) and Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the

Page 2

applicant wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

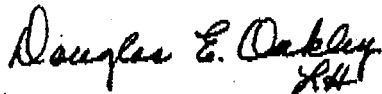
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
217/782-5544

If you have any questions or require further assistance, please contact Doug Tolan of my staff at 217/782-6762.

Sincerely,



Douglas E. Oakley, Manager
LUST Claims Unit
Planning & Reporting Section
Bureau of Land

DEO:DT:jk\032052.doc

Attachment

cc: United Environmental Consultants, Inc.

Attachment A
Accounting Deductions

Re: LPC #0314035310 -- Cook County
Arlington Heights/Memory Gardens Cemetery, Inc.
2501 East Euclid
LUST Incident No. 990286
LUST Fiscal File

Citations in this attachment are from and the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$29,611.60, deduction for costs lacking supporting documentation. An approved site classification completion report has not been submitted. (Section 57.5(a) of the Act; 35 Ill. Adm. Code 732.505(c) and 732.606(gg))
 - a) The Site Classification Completion Report (SCCR) submitted was denied May 27, 2003. No approved SCCR has been submitted to date.
 - b) Once an approved SCCR has been submitted this claim will be re-reviewed and the processing completed. Upon receiving an Agency SCCR approval letter, please notify Doug Tolan at 217/524-1281.

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