	CLERK'S OFFICE
SWIF-T FOOD MART,	FEB - 6 2004
Petitioner,	STATE OF ILLINOIS Pollution Control Board
<b>v.</b>	) РСВ 03-185
	) (UST appeal)
ILLINOIS ENVIRONMENTAL PROTECTION	)
AGENCY,	)
	)
Respondent.	)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED

## NOTICE TO APPEAR AND PRODUCE

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

YOU AND EACH OF YOU WILL HEREBY TAKE NOTICE that on February 11, 2004, beginning at 10:00 a.m., at Village Hall, Council Chambers, 118 W. Cook, Libertyville, Illinois, Petitioner, SWIF-T FOOD MART, by Stephen F. Hedinger, its attorney, will appear before Bradley Halloran, hearing officer, at the above time and date, for hearing, at which time and place the following agents and employees of Respondent must appear for testimony and must produce the following certain described documents, pursuant to Supreme Court Rule 237(b) and 35 Ill. Adm. Code 101.100(b).

- Douglas E. Oakley
   Manager, LUST Claims Unit
   Planning & Reporting Section
   Bureau of Land
- Eric Kuhlman
   Project Manager, LUST Section
   Land Pollution Control
   Bureau of Land

- 3. Harry A. Chappel
  Unit Manager, LUST Section
  Division of Remediation Management
  Bureau of Land
- Niki Weller
   LUST Claims Unit
   Planning & Reporting Section
   Bureau of Land
- 5. Victoria McKinnon
  Land Pollution Control
  Bureau of Land

YOU ARE HEREBY DIRECTED TO PRODUCE, at the same time and place and for purposes of inspection, copying, and questioning, the following documents:

- 1. The LUST Reimbursement Application for the Swif-T Food Mart facility dated November 7, 2002.
- 2. The LUST Reimbursement Application for the Swif-T Food Mart facility received by the IEPA in early 2001 requesting \$11,971.08 in reimbursement.
- 3. Any and all documents including but not limited to correspondence, notes, memoranda, email messages, etc., relating to the LUST Reimbursement that paid \$1,971.08 on September 6, 2001.
- 4. Any and all documents, including correspondence, notes, memoranda, email messages, etc., relating to the deductible amounts for Incident 960723 and Incident 951716.
- 5. Any and all documents relating to the reimbursement decision in this case or this litigation, including but not limited to notes, correspondence, memoranda, email messages, etc.

Respectfully submitted,

SWIF-T FOOD MART, Petitioner,

By its attorney,

HEDINGER LAW OFFICE

Stephen F. Hedinger

Hedinger Law Office 2601 South Fifth Street Springfield, IL 62703 (217) 523-2753 phone (217) 523-4366 fax

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<b>v.</b>	) PCB 03-185
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AGENCI,	) }
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## NOTICE OF FILING AND PROOF OF SERVICE

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

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

The undersigned certifies that an original and nine copies of Petitioner's Notice to Appear and Produce was served upon the Clerk of the Illinois Pollution Control Board, and one copy was served upon the hearing officer in this case by enclosing same in envelopes with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mail Box in Springfield, Illinois, and one copy was served upon the above party of record in this case via hand-delivery at the above address, on the day of February 4, 2004.

Stephen F. Hedinger

Hedinger Law Office 2601 South Fifth Street Springfield, IL 62703 (217) 523-2753 phone (217) 523-4366 fax

THIS FILING IS SUBMITTED ON RECYCLED PAPER