# BEFORE THE ILLINOIS POLLUTION CONTROL BOAR FEB. 1.0 2004.

SWIE	F-T FOOD MART,  Petitioner,		}	STATE OF I Pollution Con	LLINOIS trol Board
v. ILLIN	NOIS ENVIRONMENT	TAL PROTECTIO	 	PCB 03-185 (UST appeal)	
AGE	NCY, Respondent.			TO AMERICA SPARINGS AND AMERICAN SPARINGS AND AMERICAN	
	NOTI	CE OF FILING A	ND PROOF OF S	ERVICE	:OT
То:	Bradley Halloran, Hea Illinois Pollution Con James R. Thompson O 100 West Randolph S Chicago, Illinois 6060	trol Board Center treet, Suite 11-500	a in All Buryanya Shalif Digital	v <b>eion e</b> 20 <b>02 E</b> 201 N O 201 N O 201 N O 201 N O 201 N O	
14 ( <b>15</b> 1) .	John Kim Division of Legal Cou Illinois Environmental	insel		ASSETA LE COME	

Springfield, IL 62794-9276 The undersigned certifies that an original and nine copies of Petitioner's Notice of Errata/Refiling of Witness List 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 Hay day of February, 2004.

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

1021 N. Grand Ave. East

P.O. Box 19276

THIS FILING IS SUBMITTED ON RECYCLED PAPER

#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SWIF-T FOOD MART,	
natural constant Petitioner,	SWIPT FOOD MARKETE
v. ILLINOIS ENVIRONMENTAL PROTECTION	PCB 03-185 (UST appeal)
	HAMOIS ENVIRONG AND UNIX

### NOTICE OF ERRATA/REFILING OF WITNESS LIST

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

PLEASE TAKE NOTICE that the Notice to Appear and Produce that was filed on February 4, 2004, was incorrectly copied and therefore was missing a portion of page 2 from the copies that were hand delivered to the Respondent and mailed to the Clerk of the IPCB and the hearing officer. Attached to this Notice is the entire Notice to Appear and Produce which Petitioner asks to be substituted for the Notice to Appear and Produce that was filed on February 4, 2004.

Respectfully submitted,

SWIF-T FOOD MART, Petitioner,

By its attorney,

HEDINGER LAW OFFICE

Stephen F. Heding

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

RECEIVED

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARS

SWIF-T FOOD MART,	<b>\</b>	FEB 1 0 2004			
Petitioner,		STATE OF ILLINOIS Pollution Control Board			
v. ILLINOIS ENVIRONMEN AGENCY,	) NTAL PROTECTION )	PCB 03-185 (UST appeal)			
Respondent	)				

### 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

### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SWIF-T FOO	DD MART,		) 10.11 (2.	
	Petitioner,		) )	do
10 14 (17) (*** <b>V.</b> 1 (2) 특히			,	03-185 appeal)
ILLINOIS E	)			
AGENCY,	·			
	Respondent.		) )	

### 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).

- 1. 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

FILE COPY

- 3. Harry A. Chappel
  Unit Manager, LUST Section
  Division of Remediation Management
  Bureau of Land
- 4. Niki Weller
  LUST Claims Unit
  Planning & Reporting Section
  Bureau of Land
- 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

Bv

Stephon F. Hedinger

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