

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

JEET SINGH, d/b/a AMAN FOOD & GAS,)
Petitioner,)
v.) PCB 23-90
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

NOTICE OF FILING AND PROOF OF SERVICE

TO: Carol Webb, Hearing Officer
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PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, Petitioner's Motion for Modification of Board Order, copies of which are herewith served upon the above persons.

The undersigned hereby certifies that I have served this document by e-mail upon the above persons at the specified e-mail address before 5:00 p.m. on the 6th day of October, 2023. The number of pages in the e-mail transmission is 4 pages.

Respectfully submitted,

JEET SINGH, d/b/a AMAN FOOD & GAS
Petitioner,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Petitioner,))	
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v.))	PCB 23-90
)	(UST Appeal)
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PETITIONER’S MOTION FOR MODIFICATION OF BOARD ORDER

NOW COMES Petitioner, JEET SINGH, d/b/a AMAN FOOD & GAS, by its undersigned counsel, and pursuant to Section 101.520 of the Board’s Procedural Rules (35 Ill. Adm. Code § 101.520), moves for modification of the Board’s Order dated September 21, 2023, stating as follows:

1. On September 21, 2023, the Board entered an interim order finding that Petitioner’s budget amendment would not violate any legal provisions cited in the denial letter and “therefore reverses IEPA’s decision and orders IEPA to approve the budget amendment as submitted.” Interim Opinion, at p. 14.

2. However, the Board further specifically ordered “IEPA to approve Singh’s budget of **\$21,350** for the six-inch replacement concrete engineered barrier.” Id.

3. The budget amendment submitted for the six-inch replacement concrete barrier was for **\$30,706.90**, which consisted of \$21,350.00 for the cost of the concrete contractor who submitted the lowest bid, as well as \$8,813.27 for consulting personnel costs for planning and overseeing the bidding process, and a related \$543.63 in consultant’s materials costs. (R.766)

4. This appears to be an inadvertent mistake in the preparation of a lengthy and

detailed opinion within the decision deadline. There were no independent issues raised in the record concerning consulting costs, as they were denied for the same reasons as the concrete bidder's costs. (R.758 - R.760 (Leaking UST Technical Review Notes))

5. Section 101.520 of the Board's Procedural Rules authorize a motion for modification of a Board order filed within 35 days of receipt of the order, and therefore this motion is timely. (35 Ill. Adm. Code § 101.520(a))

6. As the Interim Opinion also anticipates future consideration of a statement of Petitioner's legal fees, undersigned counsel advises the Board of his intent to file such a statement on the next business day in the event the Board wishes to consider these matters together.

7. Therefore in accordance with the Board's finding that the budget amendment should have been approved as submitted, Petitioner asks that the Board's Interim Order be modified to the undisputed amount in the budget, \$30,706.90.

WHEREFORE, Petitioner, JEET SINGH d/b/a AMAN FOOD & GAS, prays that the Board modify the Interim Opinion by directing the IEPA "to approve Singh's budget of \$30,706.90 for the six-inch replacement concrete engineered barrier," or such other and further relief as it deems meet and just.

JEET SINGH d/b/a AMAN FOOD & GAS,
Petitioner

By its attorneys,
LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

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