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JAN 14 2004

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD**

MARTIN OIL MARKETING, LTD., )  
)  
Petitioner, )  
)  
v. ) No. PCB 04-93  
) (UST - Fund)  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

**NOTICE OF FILING**

**To: See Attached Service List**

PLEASE TAKE NOTICE that on January 14, 2004, we filed with the Clerk of the Illinois Pollution Control Board, 100 West Washington Street, Suite 11-500, Chicago, Illinois 60601, an original and thirteen (13) copies of an Appearance and First Amended Petition for Review and Appeal Hearing, a copy of which is attached hereto and hereby served upon you.

**MARTIN OIL MARKETING, LTD.**

By Joe Madonia  
One of its attorneys

Joseph F. Madonia  
WILDMAN HARROLD ALLEN & DIXON, LLP  
225 West Wacker Drive, Suite 2800  
Chicago, IL 60606  
312-201-2000

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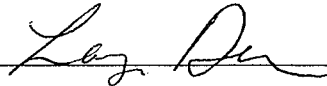
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**PROOF OF SERVICE**  
(Martin Oil Marketing, Ltd. v. IEPA)

I, Larysa Dema, a non-attorney, certify that I served a copy of the foregoing Appearance, First Amended Petition for Review and Appeal Hearing and Notice of Filing upon the following by U.S. Mail and depositing same at 225 W. Wacker, Chicago, Illinois, 60606 on this 14th day of January, 2004, with proper postage prepaid:

Douglas E. Oakley, Manager  
LUST Claims Unit  
Planning & Reporting Section  
Bureau of Land  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Chicago, IL 60601



[X] Under penalties as provided by law pursuant to ILL. REV. STAT.  
CHAP. 110 - SEC 1-109, I certify that the statements set forth  
herein are true and correct.

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

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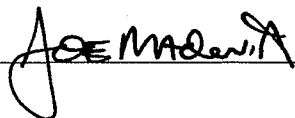
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APPEARANCE

Joseph F. Madonia of the law firm, WILDMAN HARROLD, ALLEN & DIXON  
LLP, enters his appearance as counsel for Petitioner, Martin Oil Marketing, Ltd.

  
\_\_\_\_\_

Joseph F. Madonia  
WILDMAN HARROLD ALLEN & DIXON, LLP  
225 West Wacker Drive, Suite 3000  
Chicago, IL 60606  
T: 312-201-2000  
F: 312-201-2555  
madonia@wildmanharrold.com

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**FIRST AMENDED**  
**PETITION FOR REVIEW AND APPEAL HEARING**

Martin Oil Marketing, Ltd., through its attorneys, Wildman, Harrold, Allen & Dixon LLP, respectfully submits this Amended Petition for Review and requests a hearing to appeal IEPA's November 6, 2003 final decision to reject the amended budget for the following location: LPC # 1130205082 – McLean County, Bloomington/Martin Oil #99, 1901 West Market Street, LUST Incident No. 941138.

In support of this Petition, Martin states the following grounds for its appeal: (i) that the IEPA's rejection of line item amendments to a previously-approved budget associated with a previously-approved corrective action plan is unreasonable, arbitrary and not in accordance with the law, and (ii) that Petitioner's reliance upon the IEPA's prior budget and corrective action plan approvals act as an estoppel which precludes the rejection which is the subject matter of this appeal.

Respectfully submitted,

MARTIN OIL MARKETING, LTD.

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One of its attorneys

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