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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD FEB 10 2004

SWIF-T FOOD MART,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

PCB 03-185

(UST appeal)

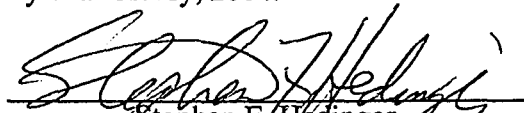
STATE OF ILLINOIS
Pollution Control Board

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 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 5th day of February, 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 FOOD MART,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

PCB 03-185
(UST appeal)

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

By


Stephen F. Hedinger

Hedinger Law Office
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Springfield, IL 62703
(217) 523-2753 phone
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FEB 10 2004

STATE OF ILLINOIS
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ILLINOIS ENVIRONMENTAL PROTECTION
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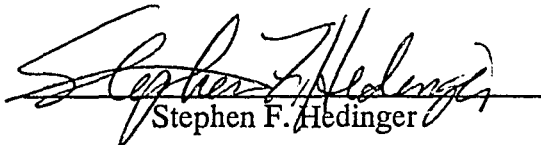
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The undersigned certifies that an original and nine copies of Petitioner's Notice to Appear and Produce was served upon the Clerk of the Illinois Pollution Control Board, and one copy was served upon the hearing officer in this case by enclosing same 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 ~~4th~~ day of February 4, 2004.


Stephen F. Hedinger

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Springfield, IL 62703
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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
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.

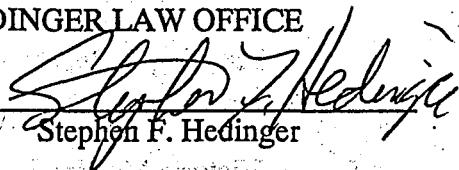
Respectfully submitted,

SWIFT FOOD MART,
Petitioner,

By its attorney,

HEDINGER LAW OFFICE

By


Stephen F. Hedinger

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Springfield, IL 62703
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