

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| STOCK’S UNDERHOOD SPECIALISTS, INC., |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB _____ |
| |) | (LUST Permit Appeal) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| Respondent. |) | |

PETITION FOR REVIEW OF AGENCY LUST DECISION

NOW COMES Petitioner, STOCK’S UNDERHOOD SPECIALISTS, INC., pursuant to Section 57.8(i) of the Illinois Environmental Protection Act, 415 ILCS 5/57.8(i), and hereby appeals the Agency’s final decision, refusing to approve the application for payment, and in support thereof states as follows:

1. This appeal arises from underground storage tanks formerly at a self-service station in Belleville, County of St. Clair, Illinois, and assigned LPC #1630105083.
2. Petitioner filed an application for payment for work performed pursuant to plans and budgets approved by the Illinois EPA.
3. On January 23, 2015, the Illinois EPA rejected the application for payment on the grounds that the application was incomplete. Attached hereto is a true and correct copy of said decision.
4. The Illinois EPA’s decision should be reversed for the following reasons:
 - a. The application was complete, containing all of the information required of a complete application pursuant to Section 57.8 of the Illinois Environmental Protection Act (415 ILCS 5/57.8(a)(6));

- b. The application was complete, containing all of the information required of a complete application pursuant to 35 Ill. Adm. Code § 734.605;
 - c. The application was complete pursuant to forms that existed at the time application for payment was submitted to the Illinois EPA;
 - d. The Petitioner is relieved from the obligation to submit or file forms that are not in compliance with the Forms Notice Act (20 ILCS 435/1 *et seq.*);
 - e. The information sought is irrelevant under the LUST Program; and
 - f. The Agency improperly seeks to review documents that exceed its scope of review, including mandating the creation of new documents that were not created when the underlying transactions occurred, and were not relied upon in the completion of the application for payment.
5. The Agency's determination was made on January 23, 2015, which is 35 days from the date this appeal is being filed, and therefore timely.

WHEREFORE, Petitioner, STOCK'S UNDERHOOD SPECIALISTS, INC., prays that:

- (a) the Agency produce the Record; (b) a hearing be held; (c) the Board find the Agency erred in its decision, (d) the Board direct the Agency to approve the application for payment in full, (e) the Board award payment of attorney's fees; and (f) the Board grant Petitioner such other and further relief as it deems meet and just.

Respectfully submitted,

STOCK'S UNDERHOOD SPECIALISTS, INC.,
Petitioner

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