

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 27 2003

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS AYERS OIL CO.,)
)
 Petitioner,)
)
 v.) PCB 03-70
) (UST Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

NOTICE OF FILING AND PROOF OF SERVICE

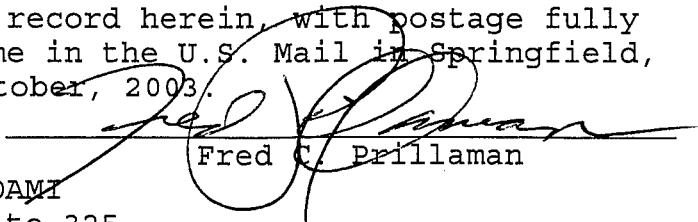
TO: Dorothy Gunn, Clerk
 Illinois Pollution Control Board
 100 West Randolph Street
 State of Illinois Building, Suite 11-500
 Chicago, IL 60601

Carol Sudman
 Hearing Office
 Illinois Pollution Control Board
 600 S. Second Street, Suite 402
 Springfield, IL 62704

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

PLEASE BE ADVISED THAT we are today filing with the Pollution Control Board the original and nine copies of Fifth Waiver of Deadline for Decision, a copy of which is attached hereto.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon the hearing officer via facsimile transmission and upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys at their business addresses as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing same in the U.S. Mail in Springfield, Illinois on the 23rd day of October, 2003.


 Fred C. Prillaman

MOHAN, ALEWELT, PRILLAMAN & ADAMI
 1 North Old Capitol Plaza, Suite 325
 Springfield, IL 62701

(217) 528-2517 c:\MAPA\CDAVIS\Illinois Ayers Oil\Fifth Waiver.wpd sew 10/22/03

THIS FILING SUBMITTED ON RECYCLED PAPER

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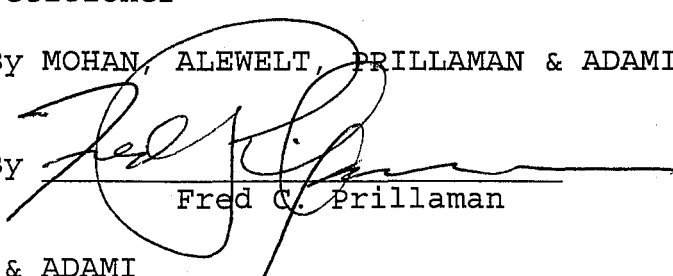
FIFTH WAIVER OF DEADLINE FOR DECISION

NOW COMES Petitioner, ILLINOIS AYERS OIL CO., by its undersigned attorneys, and files this waiver of deadline pursuant to Section 101.308(c)(1) of the Board's Procedural Rules, 35 Ill. Adm. 101.308(c)(1) hereby waiving its right to a decision within 120 days of filing, as provided in Section 40(a)(2) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(2)), provided that such final action be taken by the Board on or before May 5, 2004.

Respectfully submitted,

ILLINOIS AYERS OIL CO.,
Petitioner

By MOHAN, ALEWELT, PRILLAMAN & ADAMI

By 
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