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JAN 29 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

FREEDOM OIL COMPANY,)	
Petitioner,)	PCB 03-54
)	PCB 03-105
vs.)	PCB 03-179
)	PCB 04-02
ILLINOIS ENVIRONMENTAL)	(UST Fund)
PROTECTION AGENCY,)	PCB 03-56
)	(UST Appeal)
Respondent.)	(Consolidated)

NOTICE OF FILING

TO:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601-3218

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

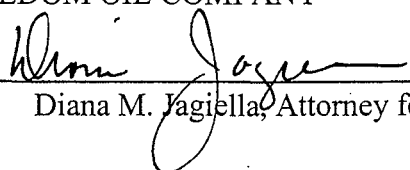
Hon. Carol Sudman
Hearing Officer
Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, IL 62704

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an original and nine (9) copies of Open Waiver of Statutory Deadline, a copy of which is herewith served upon you.

Dated: January 27, 2004

Respectfully submitted,

FREEDOM OIL COMPANY

By: 
Diana M. Jagiella, Attorney for Petitioner

Diana M. Jagiella
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600, 211 Fulton Street
Peoria, IL 61602-1350
(309) 672-1483

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

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 ILLINOIS ENVIRONMENTAL)
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OPEN WAIVER OF STATUTORY DECISION DEADLINE

NOW COMES the Petitioner, FREEDOM OIL COMPANY ("Freedom"), pursuant to 35 Ill. Admin. Code §101.308(c)(2) and waives the statutory deadline for final Board decision in this UST Fund/UST Appeal proceeding as specified in Section 40 of the Illinois Environmental Protection Act, 415 ILCS 5/40 (the "Act"). In support of its waiver, Petitioner states:

1. On January 14, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's December 18, 2002 denial determination in connection with LUST Incident No. 20020433 (PCB Case No 03-105). On January 23, 2003, the Board issued an Order accepting the Petition for hearing.

2. On January 21, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's September 20, 2002 denial determination in connection with LUST Incident Nos. 961825; 962059; 20020433; and 20021122 (PCB Case No. 03-56). On January 23, 2003, the Board issued an Order accepting the Petition for hearing.

3. On January 21, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's September 17, 2002 denial determination in connection with LUST Incident No. 20020433 (PCB Case No. 03-54). On January 23, 2003, the Board issued an Order accepting the Petition for hearing.

4. On February 13, 2003, Freedom filed a Motion to Consolidate its three pending cases before the Board. On February 20, 2003, the Board issued an Order granting Freedom's Motion to Consolidate PCB 03-54, PCB 03-105, and PCB 03-56.

5. On April 4, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's March 19, 2003 partial denial determination in connection with LUST Incident No. 20020433 (PCB Case No. 03-54), and also moving the Board to consolidate the April 4, 2003 appeal with its three previously-consolidated UST appeals. On April 8, 2003, Freedom filed a Notice of Clarification that the April 4, 2003 petition pertains to three leaking UST incident numbers: 20020433; 20021122; and 20021420. On April 17, 2003, the Board issued an Order accepting the Petition for hearing and granting Freedom's Motion to Consolidate PCB 03-54, PCB 03-105, PCB 03-179 and PCB 03-56.

6. On July 2, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's May 28, 2003 partial denial determination (PCB Case No. 04-02), and also moving the Board to consolidate the July 2, 2003 appeal with its four previously-consolidated UST appeals. The Board has issued an

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Order accepting the Petition for hearing and granting Freedom's Motion to Consolidate PCB 03-54, PCB 03-105, PCB 03-179, PCB 03-56 and PCB 04-02.

7. On February 27, 2003, Freedom filed a Waiver of Statutory Decision Deadline to July 10, 2003; and on May 1, 2003, Freedom filed a Waiver of Statutory Decision Deadline to October 8, 2003.

8. Petitioner and Respondent have undertaken discussions to explore the possibility of settlement. If these matters can be resolved by negotiation, the expenditure of time and resources associated with proceeding to hearing and final Board decision will be avoided.

9. To allow sufficient time for the parties to continue settlement discussions, Petitioner waives the current April 29, 2004, decision deadline and requests an additional open extension for the Board's decision in this consolidated proceeding.

HOWARD & HOWARD ATTORNEYS, P.C.

By:



Diana M. Jagiella, Attorney for Petitioner,
Freedom Oil Company

Dated: January 27, 2004

Diana M. Jagiella
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211 Fulton Street
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(309) 672-1483

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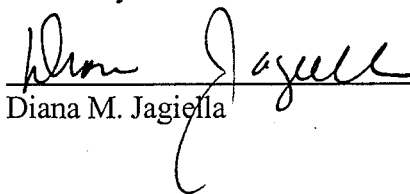
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 27th day of January 2004, I have served the attached Waiver of Statutory Decision Deadline, by depositing same via First Class, U.S. Mail, with proper postage prepaid, upon the following persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601-3218

John J. Kim, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
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(17273-1)
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