# BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

CIRCLE C, INC.,

v.

Petitioner,

PCB 04-131 (UST Appeal)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

## **NOTICE OF FILING**

TO: John Kim Special Assistant Attorney General Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276 Carol Sudman Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, Illinois 62794-9274

**PLEASE TAKE NOTICE** that on March 23, 2004, we filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of Open Waiver of Statutory Deadline for Decision.

By:

Dated: March 23, 2004

Respectfully submitted,

Circle C, Inc. Caroly Stusse

One of Its Attorneys

Carolyn S. Hesse Barnes & Thornburg LLP One North Wacker Drive Suite 4400 Chicago, Illinois 60606 (312) 357-1313 206991v1

[This filing submitted on recycled paper as defined in 35 Ill. Adm. Code 101.202]



MAR 2 3 2004

STATE OF ILLINOIS Pollution Control Board

#### **CERTIFICATE OF SERVICE**

I, on oath state that I have served the attached Open Waiver of Statutory Deadline for Decision by placing a copy in an envelope addressed to:

John Kim Special Assistant Attorney General Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276 Carol Sudman Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, Illinois 62794-9274

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 23<sup>rd</sup> Day of March, 2004.

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# BEFORE THE POLLUTION CONTROL BOARD CLERK'S OFFICE OF THE STATE OF ILLINOIS

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Petitioner,

STATE OF ILLINOIS Pollution Control Board

v.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

PCB 04-131 (UST Appeal)

Respondent.

## **OPEN WAIVER OF STATUTORY DEADLINE FOR DECISION**

Petitioner, Circle C, Inc., by its attorneys, hereby agrees to an open waiver pursuant to 35 Ill. Adm. Code 101.308(c)(1) of the deadline imposed by statute upon the Pollution Control Board for decision of the issues herein. The current decision deadline is July 22, 2004.

Respectfully submitted,

Circle C, Inc.

Hase By:

One of Its Attorneys

Carolyn S. Hesse, Esq. Barnes & Thornburg One North Wacker Drive Suite 4400 Chicago, Illinois 60606 (312) 357-1313 211058v1

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