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APR 08 2004

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

**STATE OF ILLINOIS
Pollution Control Board**

L. KELLER OIL PROPERTIES, INC. /)
EFFINGHAM / DOWNTOWN SUPER K)
)
Petitioner,)
)
v.) PCB 04-167
) (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
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PLEASE TAKE NOTICE that on April 8, 2004, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of an Open Waiver of Statutory Deadline for Decision.

Dated: April 8, 2004

Respectfully submitted,

L. Keller Oil Properties, Inc.

By: Carolyn S Hesse
One of Its Attorneys

Carolyn S. Hesse
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
213596v1

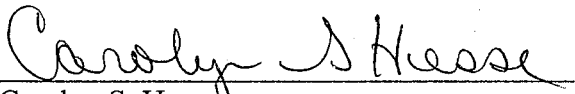
CERTIFICATE OF SERVICE

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 8th Day of April, 2004.



Carolyn S. Hesse

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ILLINOIS ENVIRONMENTAL)
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OPEN WAIVER OF STATUTORY DEADLINE FOR DECISION

Effingham / Downtown Super K ("Effingham") 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 21, 2004.

Dated: April 8, 2004

Respectfully submitted,

L. Keller Oil Properties, Inc.

By: Carolyn S Hesse
One of Its Attorneys

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Barnes & Thornburg LLP
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