

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

OCT 29 2004

STATE OF ILLINOIS
Pollution Control Board

DiMUCCI DEVELOPMENT CORPORATION,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)
)
)

PCB No. 04-209
(UST Appeal)

NOTICE OF FILING AND PROOF OF SERVICE

Dorothy Gunn
 Clerk of the Board
 Illinois Pollution Control Board
 James R. Thompson Center
 Suite 11-500
 100 West Randolph Street
 Chicago, Illinois 60601

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

Bradley P. Halloran
 Hearing Officer
 Illinois Pollution Control Board
 James R. Thompson Center
 Suite 11-500
 100 West Randolph Street
 Chicago, Illinois 60601

PLEASE TAKE NOTICE that on Friday, October 29, 2004, an original and four (4) copies of each of a Notice to Waive the Decision Deadline for Additional 60 days, was filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois in the above-entitled cause, copies of which are attached hereto.

The undersigned hereby certifies that copies of the Notice of Filing, together with copies of the documents described above were served upon the Respondent, via certified mail, return receipt requested, on October 29, 2004 properly addressed with postage prepaid.

Dated: October 27, 2004

Respectfully Submitted,

Tom Yu

By: _____
Thomas S. Yu

Jeffrey R. Diver
Thomas S. Yu
The Jeff Diver Group, L.L.C.
1749 S. Naperville Road, Suite 102
Wheaton, IL 60187
(630) 681-2530

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CLERK'S OFFICE

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REQUEST TO WAIVE DECISION DEADLINE FOR ADDITIONAL 60 DAYS

Now comes the Petitioner, DiMucci Development Corporation ("DiMucci"), by its attorneys, The Jeff Diver Group, L.L.C., pursuant to the Illinois Environmental Protection Act, 415 ILCS 5/1 et. seq. (the "Act") and 35 Illinois Administrative Code Section 105.400 et. seq., hereby requests that the Illinois Pollution Control Board ("Board") waive the decision deadline for an additional sixty (60) days beyond the current extended deadline of February 15, 2005. In support thereof, the Petitioner states as follows:

1. This petition is timely filed pursuant to 35 Ill.Adm.Code 101.308.
2. The additional time requested may eliminate the need for a hearing in this matter.

Wherefore, DiMucci Development Corporation respectfully requests that the Illinois Pollution Control Board (the "Board") enter an order directing the Agency to waive the decision deadline by an additional sixty (60) days.

Respectfully submitted,
DiMucci Development Corporation

By: Tom Yu
One of its attorneys

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