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FEB 25 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

PCB No. 04-209
(UST Appeal)

REQUEST TO WAIVE DECISION DEADLINE FOR 40 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 forty (40) days beyond the current deadline of May 26, 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 forty (40) days.

Respectfully submitted,

DiMucci Development Corporation

By: Tom Yu
One of its attorneys

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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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 Monday, February 21, 2005, I sent to the Clerk of the Illinois Pollution Control Board of the State of Illinois an original and nine (9) copies of each, via U.S. Mail, a Notice to Waive the Decision Deadline for 40 days, for filing 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, and by depositing same in the United States Mail on Monday, February 21, 2005, properly addressed with postage prepaid.

Dated: February 21, 2005

Respectfully Submitted,

Tom Yu

By: _____
Thomas S. Yu

The Jeff Diver Group, L.L.C.
1749 S. Naperville Road, Suite 102
Wheaton, IL 60187
(630) 681-2530
Fax (630) 690-2812
tsyu@enviroatty.com