

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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STATE OF ILLINOIS
Pollution Control Board

RED ROOSTER CORPORATION)
(f/k/a CLARK RETAIL ENTERPRISES,)
INC.) (CLARK OIL #2086),)
)
Petitioner,) PCB No. 05-125
) PCB No. 05-126
v.) (UST Appeal)
) (Consolidated)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

OPEN WAIVER OF DEADLINE FOR DECISION

NOW COMES Petitioner, RED ROOSTER CORPORATION, by its undersigned attorneys, and pursuant to this Board's procedural rule 101.308(c)(1), 35 Ill. Adm. Code Sec. 101.308(c)(1), hereby additionally waives its right to a decision within 120 days from the date of filing of the Petition for Review in this case, as provided in Section 40.1(a) of the Illinois Environmental Protection Act, 415 ILCS 5/40.1(a), and extends the deadline for final Board action for an open waiver from the current decision deadline, April 4, 2006.

Respectfully submitted,

RED ROOSTER CORPORATION f/k/a
CLARK RETAIL ENTERPRISES, INC.
Petitioner,

By its undersigned attorney,

By: 
Stephen F. Hedinger

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NOTICE OF FILING AND PROOF OF SERVICE

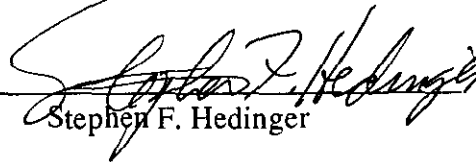
The undersigned certifies that an original and nine copies of the foregoing Open Waiver of Deadline for Decision and of this Notice of Filing and Proof of Service, were served upon the Clerk of the Illinois Pollution Control Board, and one copy to each of the following parties of record and hearing officer in this cause by enclosing same in an envelope addressed to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East, P.O. Box 19274
Springfield, IL 62796-9274

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

with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Springfield, Illinois before 5:30 p.m. on 6/12 October, 2005.


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