

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

DALEE OIL COMPANY,)	
<i>Petitioner,</i>)	
)	
v.)	PCB No. 06-40
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
<i>Respondent.</i>)	

NOTICE OF FILING

To:

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

William D. Ingersoll
Managing Attorney
State of Illinois
Environmental Protection Agency
1021 North Grand Ave. East
Springfield, IL 62702

PLEASE TAKE NOTICE that we have this day filed with the office of the Clerk of the Pollution Control Board the *Waiver of Mandatory Decision Date and Request for Postponement of Hearing*, a copy of which is enclosed herewith and hereby served upon you

February 15, 2006

DALEE OIL CO.

By: s/ John T. Hundley
John T. Hundley
One of its Attorneys

John T. Hundley
THE SHARP LAW FIRM, P.C.
(Formerly the Law Office of Terry Sharp, P.C.)
P.O. Box 906 – 1115 Harrison
Mt. Vernon, IL 62864
618-242-0246
Counsel for Petitioner DaLee Oil Company.

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**WAIVER OF MANDATORY DECISION DATE AND REQUEST FOR
POSTPONEMENT OF HEARING**

Pursuant to Board Rule 105.114(a), 35 ILL. ADM. CODE § 105.114(a), to the statutory provisions implemented thereby, and to the agreement of counsel, petitioner DaLee Oil Co. ("DaLee"), by its attorneys in this regard, The Sharp Law Firm, P.C., waives the mandatory final decision date set forth in Rule 105.114, 35 ILL. ADM. CODE § 105.114, and requests the Hearing Officer to postpone or continue *sine die* the hearing scheduled to commence in this case February 22, 2006.

In support, DaLee states that its counsel and counsel for the Illinois Environmental Protection Agency have reached an agreement in principle to resolve this appeal by settlement, and waiver of such deadline and postponement of the hearing *sine die* will permit the parties to effectuate the settlement.

February 15, 2006

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By: s/ John T. Hundley
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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I served the foregoing document:

Upon the Clerk by Facsimile to 312-814-3669 and Mail to:

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

Upon the Agency by Facsimile to 217-782-9807 and Mail to:

William D. Ingersoll
Managing Attorney
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
Springfield, IL 62702

Upon the Hearing Officer by Facsimile to 217-524-8508 and Mail to:

Hon. Carol Webb
Illinois Pollution Control Board
1021 N. Grand Ave. East
P.O. Box 19274
Springfield, IL 62794

I further certify that I caused the facsimile transmissions to be made through an automated system which confirms their receipt and that I caused the mailed copies to be deposited in the United States Post Office Mail Box at Mt. Vernon, Illinois, in sealed envelopes with proper first class postage prepaid, before 6:00 p.m. this date, addressed as stated above.

February 15, 2006

s/ John T. Hundley
John T. Hundley

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