

FEB 23 2006

FREEDOM OIL COMPANY,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 03-54 STATE OF ILLINOIS
PCB 03-56 Pollution Control Board
PCB 03-105
PCB 03-179
PCB 04-02
(UST Appeal)
(Consolidated)

NOTICE OF FILING

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


Ms. Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P. O. Box 19274
Springfield, IL 62794-9274

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

PLEASE TAKE NOTICE that on this 21st day of February, 2006, the undersigned attorney, Jon S. Faletto, of Howard & Howard Attorneys, P.C., filed the original and nine (9) copies of Petitioner's *Time Certain Waiver of Statutory Decision Deadline* with the Illinois Pollution Control Board, a copy of which is herewith served upon you.

HOWARD & HOWARD ATTORNEYS, P.C.

By:



Jon S. Faletto, Attorney for Petitioner,
Freedom Oil Company

Dated: February 21, 2006
Jon S. Faletto
Howard & Howard Attorneys, P.C.
211 Fulton Street
Peoria, IL 61602
(309) 672-1483

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

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FEB 23 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

| | | |
|------------------------|---|----------------|
| FREEDOM OIL COMPANY, |) | |
| |) | |
| Petitioner, |) | PCB 03-54 |
| |) | PCB 03-56 |
| vs. |) | PCB 03-105 |
| |) | PCB 03-179 |
| ILLINOIS ENVIRONMENTAL |) | PCB 04-02 |
| PROTECTION AGENCY, |) | |
| |) | (UST Appeal) |
| Respondent. |) | (Consolidated) |

TIME CERTAIN WAIVER OF STATUTORY DECISION DEADLINE

NOW COMES the Petitioner, FREEDOM OIL COMPANY ("Freedom"), pursuant to 35 Ill. Admin. Code §101.308(c)(2) and files its *Time Certain Waiver of Statutory Decision Deadline* in these consolidated Underground Storage Tank ("UST") Fund/UST Appeal proceedings.

In support of its *Time Certain Waiver of Statutory Decision Deadline*, Petitioner states:

1. In these Consolidated Proceedings, Freedom respectfully requests the Pollution Control Board's review of five individual but related decisions by the Illinois Environmental Protection Agency ("IEPA") to deny reimbursement of investigation, response and remediation costs incurred by Freedom in 2002 and 2003.

2. On January 29, 2004, Freedom filed an *Open Waiver of Statutory Decision Deadline* in these Consolidated Proceedings to allow sufficient time for the Parties to explore the possibility for settlement. On December 19, 2005, Freedom filed its *Notice to Reinstate Statutory Decision Deadline* to terminate the Open Waiver filed on January 29, 2004.

3. On January 10, 2006, Freedom filed a *Time Certain Waiver of Statutory Decision Deadline* to allow sufficient time for the Board's consideration and ruling on Freedom's pending

Motion for Discovery Relief, Motion for Default Judgment or Discovery Sanctions, Motion for Summary Judgment and similar motions filed by the Respondent in these Consolidated Proceedings.


4. On February 2, 2006, the Board issued its Opinion and Order on the various motions filed by Petitioner and Respondent. The Board's decision resolved some but not all of the factual issues raised in these proceedings. Freedom may proceed with a Motion for Reconsideration of the Board's February 2nd Opinion and Order and plans to continue discussions with counsel for Respondent to resolve the remaining factual issues in these proceedings. Consequently, Freedom believes it would be appropriate to waive the current statutory decision deadline for a period of ninety (90) days to complete those actions.

5. For the foregoing reasons, Petitioner waives the current June 5, 2006 decision deadline for a period of ninety (90) days, to and including September 3, 2006 for the Board's decision in these Consolidated Proceedings.

WHEREFORE the Petitioner, FREEDOM OIL COMPANY, files its *Time Certain Waiver of Statutory Decision Deadline* to extend the statutory decision deadline in these Consolidated Proceedings to September 3, 2006.

HOWARD & HOWARD ATTORNEYS, P.C.

By:


Jon S. Faletto Attorney for Petitioner,
Freedom Oil Company

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| FREEDOM OIL COMPANY, |) | |
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| Petitioner, |) | |
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| |) | (UST Appeal) |
| |) | (Consolidated) |
| Respondent. |) | |


CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 21st day of February 2006, I served the attached *Time Certain Waiver of Statutory Decision Deadline*, by depositing same with the United States Mail with First Class postage prepaid, upon the following persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601-3218

John J. Kim, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
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