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MAY 01 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BIGGS BROTHERS SERVICE CENTER,)
) *Petitioner,*)
))
v.)) PCB No. 06-88
)) (LUST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
) *Respondent.*)

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

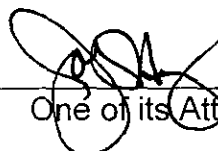
Pursuant to Board Rule 105.114(a), 35 ILL. ADM. CODE § 105.114(a), to the statutory provisions implemented thereby, and to the agreement of counsel, petitioner Biggs Brothers Service Center ("Biggs"), by its attorneys in this regard, The Sharp Law Firm, P.C., waives the mandatory final decision date set forth in Rule 105.114, 35 ILL. ADM. CODE § 105.114, and requests the Hearing Officer to continue the hearing scheduled to commence in this case May 3, 2006.

In support, Biggs states that its counsel and counsel for the Illinois Environmental Protection Agency are discussing principles under which all or significant portions of the case may be resolved without hearing. While an agreement has not been reached, there is agreement that delay of the hearing is desirable. The parties are continuing to explore alternative scenarios for resolving this complex case, or significant parts thereof, and Biggs suggests that a status hearing in perhaps two weeks would be appropriate, at which time the parties would be better able to report whether and what issues should proceed to hearing and when.

April 28, 2006

BIGGS BROTHERS SERVICE CENTER

By: _____



One of its Attorneys

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:

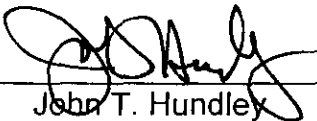
William D. Ingersoll
Managing Attorney
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
Springfield, IL 62702

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.

April 28, 2006



John T. Hundley

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 Biggs Brothers Service Center