

# ORIGINAL

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**RECEIVED**  
CLERK'S OFFICE  
JUN 12 2006  
STATE OF ILLINOIS  
Pollution Control Board

### NOTICE OF FILING

TO:

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

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

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

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an original and nine (9) copies of Time Certain Waiver of Statutory Decision Deadline, a copy of which is herewith served upon you.

Dated: June 7, 2006.

Respectfully submitted,

FREEDOM OIL COMPANY

By: \_\_\_\_\_

Gary A. Peters, Attorney for Petitioner

Gary A. Peters  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600, 211 Fulton Street  
Peoria, IL 61602-1350  
(309) 672-1483

ORIGINAL

RECEIVED  
CLERK'S OFFICE

JUN 17 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 Appeals)
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 certain proposed investigation activities, and reimbursement for certain 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

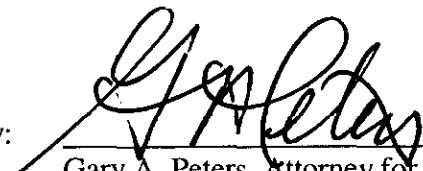
*Motion for Discovery Relief, Motion for Default Judgment or Discovery Sanctions, Motion for Summary Judgment* and similar motions filed by the Respondent in these Consolidated Proceedings.

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 is compiling and narrowing the remaining factual disputes, and intends to dismiss two of the individual UST appeals in this matter. Freedom also plans to continue discussions with counsel for Respondent to resolve the remaining factual issues in these proceedings for a streamlined hearing or settlement of the case. Consequently, Freedom believes it would be appropriate to waive the current statutory decision deadline for a period of sixty (60) days to complete those actions.

5. For the foregoing reasons, Petitioner waives the current September 3, 2006 decision deadline for a period of sixty (60) days, to and including November 2, 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 November 2, 2006.

HOWARD & HOWARD ATTORNEYS, P.C.

By:   
\_\_\_\_\_  
Gary A. Peters, Attorney for Petitioner,  
Freedom Oil Company

Howard & Howard Attorneys, P.C.  
211 Fulton Street, Suite 600  
Peoria, IL 61602  
(309) 672-1483

**Howard & Howard**  
law for business®

ORIGINAL

direct dial: 309.999.6310

Gary A. Peters

email:gpeters@howardandhoward.com

June 7, 2006

**RECEIVED**  
CLERK'S OFFICE

JUN 12 2006

STATE OF ILLINOIS  
Pollution Control Board

VIA FIRST-CLASS MAIL

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

**Re: PCB 03-54, PCB 03-56, PCB 03-105, PCB 03-179, PCB 04-02  
(UST Appeal) (Consolidated  
Freedom Oil Company**

Dear Ms. Gunn:

Enclosed please find an original and nine (9) copies of Time Certain Waiver of Statutory Decision Deadline along with a Notice of Filing and Certificate of Service. Please file and return to me a file-stamped copy in the self-addressed, stamped envelope provided.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,

HOWARD & HOWARD ATTORNEYS, P.C.

  
Gary A. Peters

Enclosures

G:\VF\Freedom Oil\cor\Clerk 6-07-06.doc