

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
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AUG 16 2006  
STATE OF 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.	)	

**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

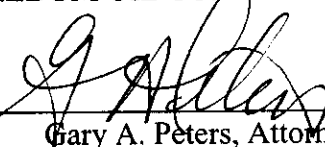
Hon. Carol Webb, Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East,  
P.O. Box 19274  
Springfield, IL 62794-9274

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 an Open Waiver of Statutory Decision Deadline, a copy of which is herewith served upon you.

Dated: August 14, 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

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**OPEN WAIVER OF STATUTORY DECISION DEADLINE**

NOW COMES the Petitioner, FREEDOM OIL COMPANY ("Freedom"), pursuant to 35 Ill. Admin. Code §101.308(c)(2) and waives the statutory deadline for final Board decision in this UST Fund/UST Appeal proceeding as specified in Section 40 of the Illinois Environmental Protection Act, 415 ILCS 5/40 (the "Act"). In support of its waiver, Petitioner states:

1. On January 14, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's December 18, 2002 denial determination in connection with LUST Incident No. 20020433 (PCB Case No 03-105). On January 23, 2003, the Board issued an Order accepting the Petition for hearing.

2. On January 21, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's September 20, 2002 denial determination in connection with LUST Incident Nos. 961825; 962059; 20020433; and 20021122 (PCB Case No. 03-56). On January 23, 2003, the Board issued an Order accepting the Petition for hearing.

3. On January 21, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's September 17, 2002 denial determination in connection with LUST Incident No. 20020433 (PCB Case No. 03-54). On January 23, 2003, the Board issued an Order accepting the Petition for hearing.

4. On February 13, 2003, Freedom filed a Motion to Consolidate its three pending cases before the Board. On February 20, 2003, the Board issued an Order granting Freedom's Motion to Consolidate PCB 03-54, PCB 03-105, and PCB 03-56.

5. On April 4, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's March 19, 2003 partial denial determination in connection with LUST Incident No. 20020433 (PCB Case No. 03-54), and also moving the Board to consolidate the April 4, 2003 appeal with its three previously-consolidated UST appeals. On April 8, 2003, Freedom filed a Notice of Clarification that the April 4, 2003 petition pertains to three leaking UST incident numbers: 20020433; 20021122; and 20021420. On April 17, 2003, the Board issued an Order accepting the Petition for hearing and granting Freedom's Motion to Consolidate PCB 03-54, PCB 03-105, PCB 03-179 and PCB 03-56.

6. On July 2, 2003, Freedom filed a Petition for Review of Underground Storage Tank Fund Reimbursement in response to the Illinois Environmental Protection Agency's May 28, 2003 partial denial determination (PCB Case No. 04-02), and also moving the Board to consolidate the July 2, 2003 appeal with its four previously-consolidated UST appeals. The Board has issued an

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Order accepting the Petition for hearing and granting Freedom's Motion to Consolidate PCB 03-54, PCB 03-105, PCB 03-179, PCB 03-56 and PCB 04-02.

7. On February 6, 2006, the Board issued an Order granting in part, and denying in part, certain Motions for Summary Judgment filed by both the Petitioner and IEPA. Pursuant to a time-certain waiver of the statutory deadline, the final hearing in this matter was scheduled for August 16, 2006, before Hearing Officer Carol Webb in Springfield, IL.

8. Petitioner and Respondent have agreed to a settlement of the issues in this appeal. To allow for the state to process and pay the agreed settlement amount, Petitioner waives the current November 2, 2006 decision deadline and requests an open extension for the Board's decision to allow for payment of the settlement amount in this consolidated proceeding.

HOWARD & HOWARD ATTORNEYS, P.C.

By: 

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

Dated: August 14, 2006

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

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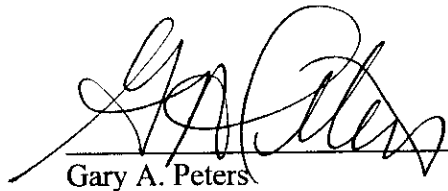
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 14th day of August 2006, I have served the attached Open Waiver of Statutory Decision Deadline, by depositing same via First Class, U.S. Mail, with proper postage prepaid, upon Dorothy M. Gunn, and by faxing a copy to James G. Richardson and Hon. Carol Webb:

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

James. G. Richardson, Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
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