

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DICKERSON PETROLEUM, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 09-87
)	PCB 10-05
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John T. Therriault	Carol Webb, Esq.
Assistant Clerk	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	1021 North Grand Avenue East
100 West Randolph, Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA U.S. MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **NOTICE OF LIMITED WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 46 DAYS** directed to the Illinois Pollution Control Board, copies of which is herewith served upon you.

Respectfully submitted,

DICKERSON PETROLEUM, INC.,
Petitioner,

Dated: August 12, 2009

By: /s/Edward W. Dwyer
One of Its Attorneys

Edward W. Dwyer
Monica T. Rios
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

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**NOTICE OF LIMITED WAIVER OF 120-DAY
DECISION DEADLINE FOR AN ADDITIONAL 46 DAYS**

NOW COMES Petitioner, DICKERSON PETROLEUM, INC. (hereinafter “Petitioners”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Adm. Code § 101.308(c)(2), hereby agrees to a limited waiver of the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board (“Board”) in this proceeding for an additional forty-six (46) days, or until January 7, 2010. In support of this Notice, Petitioner states as follows:

1. On July 10, 2009, Petitioner filed a Motion to Consolidate cases PCB Nos. 09-87 and 10-05. Petitioner also filed a Limited Waiver of Decision Deadline for an additional sixty (60) days. The current statutory deadline is November 22, 2009.

2. On August 6, 2009, the Board granted Petitioner’s Motion to Consolidate. Board Order, *Dickerson Petroleum, Inc. v. IEPA*, PCB 9-87 and PCB 10-5 (Consolidated) (Ill.Pol.Control.Bd. Aug. 6, 2009).

3. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline for an additional forty-six (46) days, or until January 7, 2010, in order

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to hold a hearing on the consolidated Petitions and submit post-hearing briefs to the Board.

WHEREFORE, Petitioner, DICKERSON PETROLEUM, INC., requests that the Illinois Pollution Control Board accept this limited waiver of the 120-day statutory decision deadline for an additional forty-six (46) days for final action on Petitioner's consolidated Petitions.

Respectfully submitted,

DICKERSON PETROLEUM, INC.
Petitioner,

Dated: August 12, 2009

By: /s/Edward W. Dwyer
One of its Attorneys

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Monica T. Rios
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Post Office Box 5776
Springfield, Illinois 62705-5776
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CAHO:001/Fil/Waiver02

CERTIFICATE OF SERVICE

I, Edward W. Dwyer, the undersigned, hereby certify that I have served the attached NOTICE OF LIMITED WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 46 DAYS upon:

John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on August 12, 2009; and upon:

James G. Richardson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on August 12, 2009.

/s/Edward W. Dwyer

Edward W. Dwyer