

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ONKEN'S, INCORPORATED,)	
Petitioner,)	
)	
v.)	PCB No. 2010-007
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

TO: John T. Therriault, Acting Clerk	Carol Webb
Illinois Pollution Control Board	Hearing Officer
100 West Randolph Street	Illinois Pollution Control Board
State of Illinois Building, Suite 11-500	James R. Thompson Center, Suite 11-500
Chicago, IL 60601	100 West Randolph Street
	Chicago, IL 60601

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a WAIVER OF DECISION DEADLINE, a copy of which is herewith served upon the hearing officer and upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, was today served upon the hearing officer by enclosing same in an envelope addressed to said hearing officer, with postage fully prepaid, and by depositing same in the U.S. Mail in Springfield, Illinois on the 7th day of August, 2009.

BY: /s/ Patrick D. Shaw

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WAIVER OF DEADLINE FOR DECISION

NOW COMES Petitioner, ONKEN'S, INCORPORATED, by its undersigned attorneys, and files this waiver of deadline pursuant to Section 101.308(c)(1) of the Board's Procedural Rules, 35 Ill. Adm. 101.308(c)(1) hereby waiving its right to a decision within 120 days of filing, as provided in Section 40(a)(2) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(2)), provided that such final action be taken by the Board on or before December 17, 2009.

Respectfully submitted,

ONKEN'S, INCORPORATED, Petitioner,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI,
Its attorneys

BY: /s/ Patrick D. Shaw

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