

**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 Illinois Pollution Control Board 100 West Randolph Street State of Illinois Building, Suite 11-500 Chicago, IL 60601	Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274
Melanie Jarvis Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276	

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, were today served upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 21st day of September, 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 May 21, 2010.

Respectfully submitted,

ONKEN'S, INCORPORATED, Petitioner,

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

BY: /s/ Patrick D. Shaw

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