

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

SMOOT OIL COMPANY, INC.,        )  
    Petitioner,                    )  
    v.                                )  
                                      )  
ILLINOIS ENVIRONMENTAL        )  
PROTECTION AGENCY,            )  
    Respondent.                  )

PCB 10-45  
(LUST Permit Appeal)

**NOTICE OF FILING AND PROOF OF SERVICE**

To:     John T. Therriault, Clerk  
          Illinois Pollution Control Board  
          100 West Randolph Street  
          State of Illinois Building, Suite 11-500  
          Chicago, IL 60601

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

          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 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 Illinois Environmental Protection Agency.

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 to all parties to this cause by enclosing same in an envelope addressed to such attorneys at their business addresses as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mailbox in Springfield, Illinois on the 11<sup>th</sup> day of January, 2010.

Respectfully submitted,  
SMOOT OIL COMPANY, INC., Petitioner

BY:     MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY:     /s/ Patrick D. Shaw

Patrick D. Shaw

MOHAN, ALEWELT, PRILLAMAN & ADAMI  
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THIS FILING SUBMITTED ON RECYCLED PAPER  
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OF THE STATE OF ILLINOIS

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PROTECTION AGENCY,         )  
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**WAIVER OF DEADLINE FOR DECISION**

NOW COMES Petitioner, Smoot Oil Company, Inc., by its undersigned attorney, pursuant to Section 101.308(c)(1) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.308(c)(1), hereby waives its right to a decision within 180 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 July 15, 2010.

Respectfully submitted,  
SMOOT OIL COMPANY, INC., Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

Patrick D. Shaw

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