

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 16 2010

STATE OF ILLINOIS
Pollution Control Board

SIMONS AUTO SERVICE CENTER,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB 09-37
(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

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

Melanie A. Jarvis
Division of Legal Counsel
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 16th day of April, 2010.

Respectfully submitted,

SIMONS AUTO SERVICE CENTER, Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

Patrick D. Shaw

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WAIVER OF DEADLINE FOR DECISION

NOW COMES Petitioner, Simons Auto Center, 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 October 7, 2010.

Respectfully submitted,

SIMONS AUTO CENTER, Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw Patrick D.

Shaw

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\\Jordan\MAPA\CW3M\Simons Auto Service\Waiver of Decision Deadline.wpd

THIS FILING SUBMITTED ON RECYCLED PAPER