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JUN 21 2010

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BAILEY ENTERPRISES, INC.)	
Petitioner,)	
)	
v.)	PCB No. 09-57
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

To:	John T. Therriault, Clerk	Carol Webb
	Illinois Pollution Control Board	Hearing Officer
	100 West Randolph Street	Illinois Pollution Control Board
	State of Illinois Building, Suite 11-500 1021 N. Grand Avenue East	
	Chicago, IL 60601	P.O. Box 19274
		Springfield, IL 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 Deadline for Decision, 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 21st day of June, 2010.

Respectfully submitted,
BAILEY ENTERPRISES, INC.,

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, BAILEY ENTERPRISES, INC., by its undersigned attorneys, 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 December 16, 2010.

Respectfully submitted,

BAILEY ENTERPRISES, INC., Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

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

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THIS FILING SUBMITTED ON RECYCLED PAPER