

RECEIVED
CLERK'S OFFICE

FEB 18 2009

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BAILEY ENTERPRISES, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 09-57
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

To: Clerk	Melanie A. Jarvis, Assistant Counsel
Illinois Pollution Control Board	Division of Legal Counsel
State of Illinois Center	Environmental Protection Agency
100 W. Randolph, Ste. 11-500	1021 North Grand Avenue East
Chicago, IL 60601	PO 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 Illinois Environmental Protection Agency by enclosing same in an envelope addressed to Melanie A. Jarvis, Assistant Counsel, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mailbox in Springfield, Illinois on the ____ day of February, 2009.

Respectfully submitted,
BAILEY ENTERPRISES, INC.,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: _____
Patrick D. Shaw

Fred C. Prillaman

Patrick D. Shaw
Fred C. Prillaman
MOHAN, ALEWELT, PRILLAMAN & ADAMI
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701-1323
Telephone: 217/528-2517
Facsimile: 217/528-2553

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BAILEY ENTERPRISES, INC.)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 09-57
(UST Appeal)

RECEIVED
CLERK'S OFFICE
FEB 18 2009
STATE OF ILLINOIS
Pollution Control Board

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. 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 16, 2009.

Respectfully submitted,

BAILEY ENTERPRISES, INC., Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: _____
 Patrick D. Shaw

By: _____
 Fred C. Prillaman

Patrick D. Shaw
 Fred C. Prillaman
 MOHAN, ALEWELT, PRILLAMAN & ADAMI
 1 N. Old Capitol Plaza, Suite 325
 Springfield, IL 62701-1323
 Tel: (217) 528-2517
 Fax: (217) 528-2553