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MAY 13 2010

**STATE OF ILLINOIS**  
**Pollution Control Board**

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**PCB 09-92**  
**(Permit Appeal – Air)**

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## NOTICE OF FILING

**Bradley P. Halloran, Hearing Officer**  
**Illinois Pollution Control Board**  
**James R. Thompson Ctr., Ste 11-500**  
**100 West Randolph**  
**Chicago, Illinois 60601**

**John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Ctr., Ste 11-500  
100 West Randolph  
Chicago, Illinois 60601**

**Sally Carter**  
**Illinois Environmental Protection Agency**  
**1021 North Grand Avenue, East**  
**P.O. Box 19276**  
**Springfield, Illinois 62794-9276**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board **WAIVER OF DECISION DEADLINE**, copies which are herewith served upon you.

Dated: May 13, 2010

McDERMOTT WILL & EMERY LLP

By: Mark A. Bilut  
 MARK A. BILUT  
 227 West Monroe Street, Suite 4700  
 Chicago, Illinois 60606  
 Phone: (312) 372-2000  
 Fax: (312) 984-7700

***Attorney for Petitioner***

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MAY 13 2010

STATE OF ILLINOIS  
Pollution Control Board

**Petitioner,**

**V.**

**PCB 09-92**  
**(Permit Appeal – Air)**

**Respondent.**

NOW COMES Petitioner, Tilton Energy LLC, by and through its attorneys, McDERMOTT WILL & EMERY LLP, and waives the Board's statutory decision deadline in this matter until November 19, 2010.

Dated: May 13, 2010

McDERMOTT WILL & EMERY LLP

By: Mark A. Bilut  
 MARK A. BILUT  
 227 West Monroe Street, Suite 4700  
 Chicago, Illinois 60606  
 Phone: (312) 372-2000  
 Fax: (312) 984-7700  
 Email: mbilut@mwe.com

*Attorney for Petitioner*

**CERTIFICATE OF SERVICE**

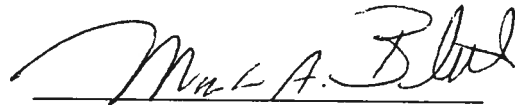
I, hereby certify that I caused a copy of the foregoing, **WAIVER OF DECISION DEADLINE**, and Notice of Filing thereof to be filed by hand delivery on May 13, 2010:

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

and a true and correct copy of the same, **WAIVER OF DECISION DEADLINE**, and Notice of Filing thereof to be delivered by First Class U.S. Mail on May 13, 2010, to the following:

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Ctr., Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

Sally Carter  
Illinois Environmental Protection Agency  
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McDermott Will & Emery LLP  
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Chicago, Illinois 60606  
Phone: (312) 372-2000  
Fax: (312) 984-7700  
Email: mbilut@mwe.com

***Attorney for Petitioner***