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APR 26 2004

**STATE OF ILLINOIS
Pollution Control Board**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WEBB & SONS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 04-105
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING


TO: Ms. Dorothy M. Gunn	John J. Kim, Esq.
Clerk of the Board	Division of Legal Counsel
Illinois Pollution Control Board	Illinois Environmental Protection Agency
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19276
Chicago, Illinois 60601	Springfield, Illinois 62794-9276
(VIA FIRST CLASS MAIL)	(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of a **NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 90 DAYS**, copies of which are herewith served upon you.

Respectfully submitted,

WEBB & SONS, INC.,
Petitioner,

Dated: April 22, 2004

By: 
J. Randle Schick

J. Randle Schick
Of Counsel
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, J. Randle Schick, the undersigned, certify that I have served the attached

NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL

90 DAYS upon:

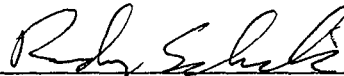
Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

John J. Kim, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Mrs. Joe M. Webb
Webb & Sons, Inc.
1201 DeWitt Avenue
Mattoon, Illinois 61938

Kevin Saylor, P.E.
HDC Engineering
201 West Springfield Avenue
Suite 300
Champaign, Illinois 61824-0140

by depositing said documents in the United States Mail in Springfield, Illinois, postage prepaid, on April 21, 2004.



J. Randle Schick

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**STATE OF ILLINOIS
Pollution Control Board**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WEBB & SONS, INC.,)
)
 Petitioner,)
)
 v.) PCB No. 04-105
) (UST Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

**NOTICE OF WAIVER OF 120-DAY DECISION
DEADLINE FOR AN ADDITIONAL 90 DAYS**

NOW COMES, Petitioner, WEBB & SONS, INC. (hereinafter "Webb & Sons") by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Admin. Code § 101.308(c)(2), and hereby agrees to waive the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board ("Board"), in the above-referenced proceeding, for ninety (90) days, or until October 22, 2004. In support of this Notice, the Petitioner states as follows:

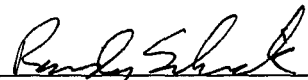
1. On March 26, 2004, Petitioner filed a Petition for Review of the Illinois Environmental Protection Agency's ("Illinois EPA") determination dated November 24, 2003, regarding reimbursement of the removal of soil during excavation activities. Based upon the date of filing, the statutory decision deadline in this matter is July 24, 2004 (i.e., 120 days from March 26, 2004).

2. Petitioner hereby voluntarily agrees to a waiver of the statutory 120-day decision deadline, for an additional 90 days, or until October 22, 2004, in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, WEBB & SONS, INC. prays that the Board accept this waiver of the statutory 120-day decision deadline for an additional 90 days for final action on Petitioner's Petition for Review of the Agency's determination issued to it by the Illinois EPA.

Respectfully submitted,

WEBB & SONS, INC.,
Petitioner,

By: 
J. Randle Schick

Dated: April 22, 2004

J. Randle Schick
Of Counsel
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

HDCE:001/Fil/Notice of Waiver