

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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AUG 25 2005

STATE OF ILLINOIS
Pollution Control Board

THE ESTATE OF GERALD HESS,)
)
Petitioner,)
)
v.) PCB 06-09
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)

NOTICE OF FILING

TO: John Kim Carol Webb
Special Assistant Attorney General Hearing Officer
Illinois Environmental Protection Agency Illinois Pollution Control Board
1021 North Grand Avenue East 1021 North Grand Avenue East
P.O. Box 19276 P.O. Box 19274
Springfield, Illinois 62794-9276 Springfield, Illinois 62794-9274

PLEASE TAKE NOTICE that on August 25, 2005, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of a Open Waiver of Statutory Deadline for Decision.

Dated: August 25, 2005

Respectfully submitted,

The Estate of Gerald Hess

By: Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
291206v1

[This filing submitted on recycled paper as defined in 35 Ill. Adm. Code 101.202]

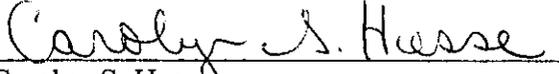
CERTIFICATE OF SERVICE

I, on oath state that I have served the attached Open Waiver of Statutory Deadline for Decision by placing a copy in an envelope addressed to:

John Kim
Special Assistant Attorney General
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 25th Day of August, 2005.



Carolyn S. Hesse

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OPEN WAIVER OF STATUTORY DEADLINE FOR DECISION

Petitioner, The Estate of Gerald Hess, by its attorneys, hereby agrees to an Open Waiver Pursuant to 35 Ill. Admin. Code 101.308(c)(1) of the deadline imposed by statute upon the Pollution Control Board for decision of the issues herein.

Dated: August 25, 2003

Respectfully submitted,

The Estate of Gerald Hess

By: Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse, Esq.
Barnes & Thornburg
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
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