

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS AYERS OIL CO.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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CLERK'S OFFICE

DEC - 5 2003

PCB 03-214
(UST Appeal)

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING AND PROOF OF SERVICE

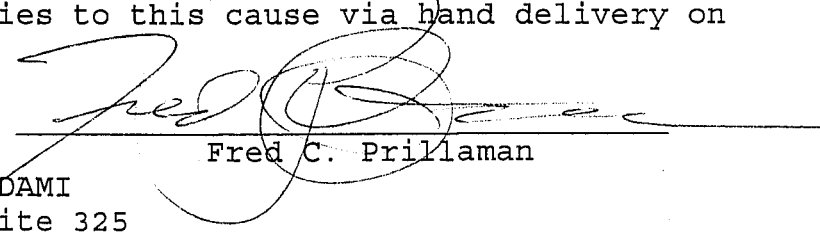
TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
State of Illinois Building, Suite 11-500
Chicago, IL 60601

Carol Sudman
Hearing Office
Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, IL 62704

John Kim
Division of Legal Counsel
Illinois Environmental
Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE BE ADVISED THAT we are today filing with the Pollution Control Board the original and nine copies of Fifth Waiver of Deadline for Decision, a copy of which is attached hereto.

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 of all parties to this cause via hand delivery on the 3rd day of December, 2003.


Fred C. Prillaman

MOHAN, ALEWELT, PRILLAMAN & ADAMI
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701

(217) 528-2517 c:\MAPA\CDAVIS\Illinois Ayers Oil\Fifth Waiver 214.wpd sew 12/2/03

THIS FILING SUBMITTED ON RECYCLED PAPER

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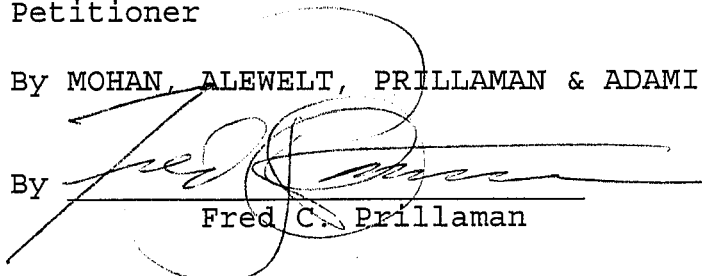
FIFTH WAIVER OF DEADLINE FOR DECISION

NOW COMES Petitioner, ILLINOIS AYERS OIL CO., by its undersigned attorneys, and files this waiver of deadline pursuant to Section 101.308(c)(1) of the Board's Procedural Rules, 35 Ill. Adm. 101.308(c)(1) hereby waiving its right to a decision within 120 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 the Board on or before May 5, 2004.

Respectfully submitted,

ILLINOIS AYERS OIL CO.,
Petitioner

By MOHAN, ALEWELT, PRILLAMAN & ADAMI

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