

SEP 29 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS STATE TOLL HIGHWAY )  
AUTHORITY (Des Plaines South) )

Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )

Respondent. )

PCB - 04-103

PCB - 04-119

(UST Appeal)

(Consolidated)


**NOTICE OF FILING AND PROOF OF SERVICE**

TO: Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph Street  
Chicago, IL 60601

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

PLEASE TAKE NOTICE that on September 29, 2004, we filed with the Clerk of the Illinois Pollution Control Board the originals and nine (9) copies each, via personal delivery, of Petitioner's Open Waiver of Statutory Deadline, for filing in the above-entitled cause, copies of which are attached hereto.

The undersigned hereby certifies that true and correct copies of the Notice of Filing, together with copies of the documents described above, were served upon the above-named persons by enclosing same in envelopes addressed to said persons, and by depositing said envelopes in a United States Post Office Mail Box at Chicago, Illinois, with postage fully prepaid, on the 29 day of September, 2004.

  
Special Assistant Attorney General,  
Illinois State Toll Highway Authority

Kenneth W. Funk, Esq.  
Special Assistant Attorney General  
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225 W. Washington Street-#1700  
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**OPEN WAIVER OF STATUTORY DEADLINE**

Petitioner, Illinois State Toll Highway Authority, by its attorneys Deutsch, Levy & Engel, Chartered, waives generally the statutory deadline in this matter, as described in 415 ILCS 5/40 and Ill. Admin. Code §101.308, until Petitioner elects to file a notice to reinstate.

Respectfully submitted,



Special Assistant Attorney General,  
Illinois State Toll Highway Authority

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THIS FILING IS SUBMITTED ON RECYCLED PAPER