

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 29 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS STATE TOLL HIGHWAY)
AUTHORITY (Des Plaines Oasis North))

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)

Respondent.)

PCB - 04-177
(UST Appeal)

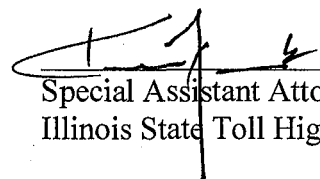
NOTICE OF FILING AND PROOF OF SERVICE

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.
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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

Kenneth W. Funk, Esq.
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225 W. Washington Street-#1700
Chicago, IL 60606
(312) 346-1460

THIS FILING IS SUBMITTED ON RECYCLED PAPER.