

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 16 2010

STATE OF ILLINOIS  
Pollution Control Board

BAILEY ENTERPRISES, INC. )  
Petitioner, )  
 )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 09-57  
(LUST Permit Appeal)

**NOTICE OF FILING AND PROOF OF SERVICE**

To: John T. Therriault, Clerk  
Illinois Pollution Control Board  
100 West Randolph Street  
State of Illinois Building, Suite 11-500 1021 N. Grand Avenue East  
Chicago, IL 60601  
Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
P.O. Box 19274  
Springfield, IL 62794-9274  
Melanie A. Jarvis  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a Waiver of Deadline for Decision, a copy of which is herewith served upon the Illinois Environmental Protection Agency.

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 to all parties to this cause by enclosing same in an envelope addressed to such attorneys at their business addresses as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mailbox in Springfield, Illinois on the 16<sup>th</sup> day of April, 2010.

Respectfully submitted,  
BAILEY ENTERPRISES, INC.,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

Patrick D. Shaw

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**WAIVER OF DEADLINE FOR DECISION**

NOW COMES Petitioner, BAILEY ENTERPRISES, INC., by its undersigned attorneys, pursuant to Section 101.308(c)(1) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.308(c)(1), hereby waives its right to a decision within 180 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 October 7, 2010.

Respectfully submitted,

BAILEY ENTERPRISES, INC., Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

Patrick D. Shaw

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THIS FILING SUBMITTED ON RECYCLED PAPER