

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 08-103
)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John Therriault	Bradley P. Halloran
Assistant Clerk	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	James R. Thompson Center
100 West Randolph, Suite 11-500	100 West Randolph, Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA US MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 70 DAYS**, directed to the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

KCBX TERMINALS COMPANY
Petitioner,

Dated: October 20, 2008

By: /s/ Katherine D. Hodge
One of Its Attorneys

Katherine D. Hodge
Lauren C. Lurkins
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 70 DAYS upon:

John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on October 20, 2008; and upon:

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

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on October 20, 2008.

/s/ Katherine D. Hodge
Katherine D. Hodge

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**NOTICE OF WAIVER OF 120-DAY
DECISION DEADLINE FOR AN ADDITIONAL 70 DAYS**

NOW COMES Petitioner, KCBX TERMINALS COMPANY (hereinafter “Petitioner”), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Admin. Code § 101.308(c)(2), and hereby agrees to waive the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board in this proceeding for an additional 70 days, or until March 16, 2009. In support of this Notice, Petitioner states as follows:

1. On June 27, 2008, Petitioner filed a Petition for Review of the “Construction Permit Grant – Operating Permit Denial – NSPS Source” issued to Petitioner by the Illinois Environmental Protection Agency on May 23, 2008.
2. On July 29, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 70 Days, or until January 5, 2009.
3. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline for an additional 70 days, or until March 16, 2009, in order to conduct settlement negotiations in this matter.

Electronic Filing - Received, Clerk's Office, October 20, 2008

WHEREFORE, Petitioner, KCBX TERMINALS COMPANY, prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day decision deadline for an additional 70 days for final action on Petitioner's appeal of the "Construction Permit Grant – Operating Permit Denial – NSPS Source" issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

KCBX TERMINALS COMPANY
Petitioner,

By: /s/ Katherine D. Hodge
One of Its Attorneys

Dated: October 20, 2008

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