

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE

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 until July 23, 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. On October 20, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 70 Days, or until March 16, 2009.
4. On November 24, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 66 Days, or until May 21, 2009.
5. Petitioner hereby voluntarily agrees to waive the statutory 120-day

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decision deadline by an additional 63 days, or until July 23, 2009, in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, KCBX TERMINALS COMPANY, prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day decision deadline 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,

Dated: February 23, 2009

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

Katherine D. Hodge
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(217) 523-4900

KCBX:003/Fil/Air Permit Appeal-PCB 08-103/Waiver 04

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 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 February 23, 2009; and upon:

Bradley P. Halloran, Esq.
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 February 23, 2009.

/s/ Katherine D. Hodge
Katherine D. Hodge