

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,            )  
  )  
  )

v.

PCB 10-110  
(Air Permit Appeal)

ILLINOIS ENVIRONMENTAL            )  
PROTECTION AGENCY,                )  
  )

Respondent.

**NOTICE OF FILING**

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

Bradley P. Halloran, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
(VIA FIRST CLASS 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 60 DAYS**, a copy of which is herewith served upon you.

Respectfully submitted,  
KCBX TERMINALS COMPANY,  
Petitioner,

Dated: February 7, 2011

By:   Is/ Lauren C. Lurkins    
  One of Its Attorneys

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

**CERTIFICATE OF SERVICE**

I, Lauren C. Lurkins, the undersigned, hereby certify that I have served the attached NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 60 DAYS upon:

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

via electronic mail on February 7, 2011; and upon:

Christopher Grant, Esq.  
Office of the Illinois Attorney General  
69 West Washington Street, 18th Floor  
Chicago, Illinois 60602

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

by depositing said documents in the United States Mail, postage prepaid, in Springfield,

Illinois on February 7, 2011.

Is/ Lauren C. Lurkins

Lauren C. Lurkins

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

KCBX TERMINALS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 10-110
	)	(Permit Appeal-Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF WAIVER OF 120-DAY  
DECISION DEADLINE FOR AN ADDITIONAL 60 DAYS**

NOW COMES Petitioner, KCBX TERMINALS COMPANY ("KCBX"), a North Dakota corporation, by and through its attorneys, HODGE DWYER & DRIVER, 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 ("Board") in this proceeding for an additional sixty (60) days, or until July 9, 2011. In support of this Notice, KCBX states as follows:

1. On June 29, 2010, KCBX filed a Petition for Review ("Petition") of the "Construction Permit - Revised" issued to KCBX by the Illinois Environmental Protection Agency on May 25, 2010. KCBX also filed a Motion to Stay the Effectiveness of Contested Permit Conditions ("Motion to Stay") simultaneously therewith.
2. On July 15, 2010, the Board accepted the Petition for hearing, but reserved ruling on the Motion to Stay. Board Order, KCBX Terminals Company v. Illinois EPA, PCB No. 10-110 (Ill.Po1.Control.Bd. July 15, 2010).
3. On August 3, 2010, KCBX filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 30 Days, or until November 26, 2010.

Electronic Filing - Received, Clerk's Office, February 7, 2011

4. On August 11, 2010, KCBX filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 45 Days, or until January 10, 2011.

5. On September 28, 2010, KCBX filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 60 Days, or until March 11, 2011.

6. On November 22, 2010, KCBX filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 60 Days, or until May 10, 2011.

7. The current statutory decision deadline for this matter is May 10, 2011.

8. KCBX hereby voluntarily agrees to waive the statutory 120-day decision deadline for an additional sixty (60) days, or until July 9, 2011, 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 an additional sixty (60) days for final action on KCBX's appeal of the "Construction Permit -- Revised" issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: February 7, 2011

By:     Is/ Lauren C. Lurkins      
One of Its Attorneys

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