

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|------------------------|---|-----------------------|
| W.R. MEADOWS, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. PCB 97 - 195 |
| |) | (Permit Appeal - Air) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

CORRECTED NOTICE OF FILING

| | |
|---|--|
| TO: Honorable Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East PO Box 19274 Springfield IL 62794-9274 | Robb H. Layman, Esq. Illinois Environmental Protection Agency 1021 North Grand Avenue, East P.O. Box 19276 Springfield, IL 62794-9276 |
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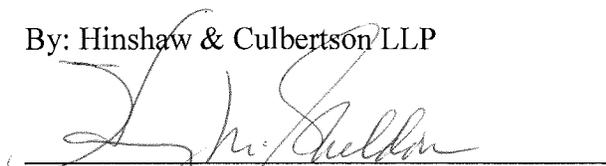
PLEASE TAKE NOTICE that on this 28th day of October, 2013, a copy of the attached **Status Report of Petitioner** and related Certificate of Service were filed with the Office of the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served on you.

Dated: October 28, 2013

Respectfully Submitted,

On behalf of W.R. MEADOWS, INC., Petitioner

By: Hinshaw & Culbertson LLP



Harvey M. Sheldon
 One of Its Attorneys

HARVEY M. SHELDON
 HINSHAW & CULBERTSON LLP
 222 North LaSalle Street
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| |) | |
| Respondent. |) | |

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 28th day of October 2013, I have filed with the Clerk and served the attached *Status Report Of Petitioner* and related Notice of Filing, by Electronic Filing and E-mail upon the following persons:

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

Robb Layman, Esq.
Assistant Counsel - Bureau of Air
Division of Legal Counsel
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

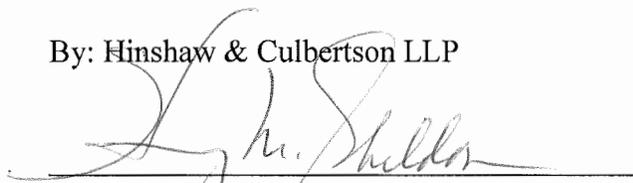
Honorable Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue, East
P.O. Box 19274
Springfield, IL 62794-9274

Dated: October 28, 2013

Respectfully Submitted,

On behalf of W.R. MEADOWS, INC., Petitioner

By: Hinshaw & Culbertson LLP



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One of Its Attorneys

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| ILLINOIS ENVIRONMENTAL PROTECTION |) | |
| AGENCY, |) | |
| |) | |
| Respondent. |) | |

STATUS REPORT OF PETITIONER

Pursuant to an Order of the Hearing Officer, Petitioner W.R. Meadows, Inc. hereby submits its Status Report on the above-numbered Permit Appeal. An Order of the Hearing officer dated October 15, 2013 establishes October 28, 2013 as the due date hereof. Counsel of record filed his appearance in this case on July 26, 2013, but, on information and belief, the appearance may have been inadvertently lost at the Board or otherwise failed to reach the attention of the Hearing Officer. A copy of the Substitute Appearance bearing the receipt of the Board's Clerk is attached as an Exhibit to this Status Report.

The Permit Appeal is part of a saga of more than 17 years' duration in which the Petitioner has sought an appropriate form of air emission permit from the Respondent IEPA. The appeal herein is on file to preserve the rights of Petitioner to remain in lawful operation, however the current air emissions and scope of operations of Petitioner are no longer the same as involved in 1995. The appeal deals with the Hampshire Illinois facility of Petitioner. WR Meadows' Hampshire, Illinois facility now has volatile organic material ("VOM") emissions of less than 10 tons per year, based on the latest emissions calculations and operating assumptions set forth in the permit documents for the facility. An application for a Federally Enforceable State Operating Permit ("FESOP"), was submitted to the IEPA in 2009 and revised at the Agency's

request later that year. An additional revision was completed in 2010, again at the specific request of the IEPA Permit Section personnel. Once the FESOP permit is issued, the agreed upon permit conditions will establish allowable emissions for the facility under 25 tons per year. As noted above, the actual emissions from this facility are less than half of that allowable amount.

On information and belief, the present small emissions rate of Petitioner has resulted in its permit application languishing at the Agency due to shortages of personnel and time. Petitioner is patiently waiting for the Agency to act on its pending application.

Undersigned counsel has discussed and communicated in writing with Robb Layman, attorney for the Agency. We have indicated (and believe IEPA agrees) that there is nothing to be gained by moving this appeal to trial. Further cost should not be visited on Petitioner for State delays. We have indicated to the IEPA that W.R. Meadows would be willing to accept a stipulation by the Agency that it will act by a time certain to make a permit decision on the presently pending application, and the Board could continue the case to that date. Alternatively, we would agree to an order that continues this appeal generally until the Agency acts on the pending application.

Dated: October 28, 2013

Respectfully submitted,

On behalf of W.R. Meadows, Inc.

/s/ Harvey M. Sheldon

Harvey M. Sheldon

One of Its Attorneys

Harvey M. Sheldon
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

W.R. MEADOWS, INC.,)
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 Petitioner,)
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 vs.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

RECEIVED
 CLERK'S OFFICE
 JUL 26 2013
 STATE OF ILLINOIS
 Pollution Control Board

Case No. PCB 97-195
 (Permit Appeal - Air)

NOTICE OF FILING

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| TO: Carol Webb, Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue, East P.O. Box 19274 Springfield, IL 62794-9274 | Robb H. Layman, Esq. Illinois Environmental Protection Agency 1021 North Grand Avenue, East P.O. Box 19276 Springfield, IL 62794-9276 |
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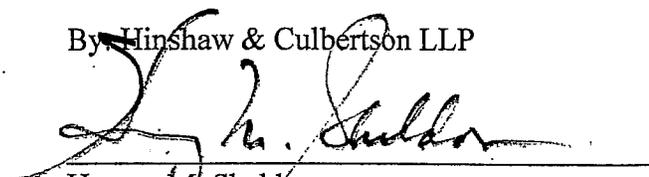
PLEASE TAKE NOTICE that on this 26th day of July, 2013, a copy of the attached **Substitute Appearance** and related Certificate of Service were filed with the Office of the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served on you.

Dated: July 26, 2013

Respectfully Submitted,

On behalf of W.R. MEADOWS, INC., Petitioner

By: *Hinshaw & Culbertson LLP*



 Harvey M. Sheldon
 One of Its Attorneys

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EXHIBIT

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

W.R. MEADOWS, INC.,)

Petitioner,)

vs.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

Case No. PCB 97-195
(Permit Appeal - Air)

RECEIVED
CLERK'S OFFICE
JUL 26 2013
STATE OF ILLINOIS
Pollution Control Board

SUBSTITUTE APPEARANCE

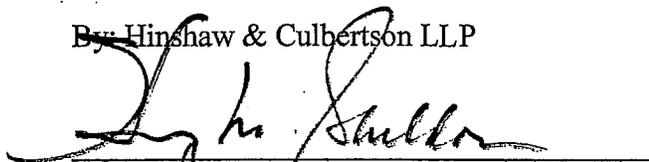
NOW COMES the Petitioner, W.R. MEADOWS, INC., by and through its attorneys, Harvey M. Sheldon, and Hinshaw & Culbertson LLP, and files its Substitute Appearance. Jon Faletto has withdrawn from the firm. The undersigned will serve as Counsel for Petitioner henceforth. Please send all notices, orders and other communications to:

Harvey M. Sheldon, Esq.
Hinshaw & Culbertson LLP
222 North LaSalle Street
Chicago, IL 60601

Respectfully Submitted,

On behalf of **W.R. MEADOWS, INC.**

By: Hinshaw & Culbertson LLP



Harvey M. Sheldon
One of Its Attorneys

July 26, 2013

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