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JAN 15 2003  
STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PERFETTI VAN MELLE USA, INC., )  
)  
Petitioner, )  
)  
vs. )  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

PCB 02-215

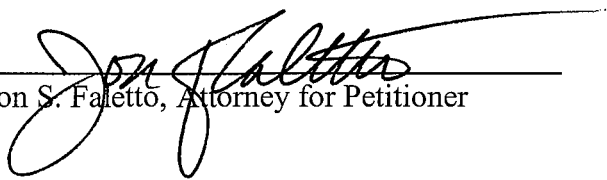
(Permit Appeal - Air)

**NOTICE OF FILING**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the *Waiver of Statutory Decision Deadline*, a copy of which is herewith served upon you.

Respectfully submitted,

PERFETTI VAN MELLE USA, INC.

By:   
Jon S. Faletto, Attorney for Petitioner

January 13, 2003

Jon S. Faletto  
Attorney for Petitioner  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, IL 61602-1350  
(309) 672-1483

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	)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**WAIVER OF STATUTORY DECISION DEADLINE**

NOW COMES the Petitioner, PERFETTI VAN MELLE USA, INC., pursuant to 35 Ill. Admin. Code §101.308(c)(2) and waives the statutory deadline for final Board decision in this permit appeal proceeding as specified in Section 40 of the Illinois Environmental Protection Act, 415 ILCS 5/40 (the "Act"). In support of its waiver, Petitioner states:

1. On September 12, 2002, Perfetti Van Melle filed a Petition for Review of the Illinois Environmental Protection Agency's decision on May 7, 2002 to deny the Petitioner's Application for a Lifetime Operating Permit. On September 19, 2002 the Board issued an Order accepting the Petition for hearing.

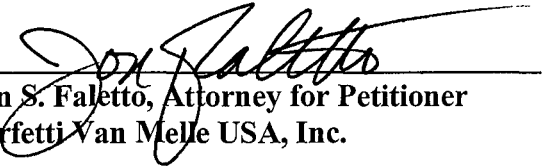
2. Petitioner and Respondent have undertaken discussions to explore the possibility of settlement. If this matter can be resolved by negotiation, the expenditure of time and resources associated with proceeding to hearing and final Board decision will be avoided.

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

3. To allow sufficient time for the parties to continue settlement discussions, Petitioner waives the current statutory decision deadline and requests an extension to July 9, 2003 for the Board's decision in this proceeding.

**HOWARD & HOWARD ATTORNEYS, P.C.**

By:

  
Jon S. Faletto, Attorney for Petitioner  
Perfetti Van Melle USA, Inc.

Dated: January 13, 2003

Jon S. Faletto  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, IL 61602  
(309) 672-1483

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	)	
Respondent.	)	

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 13<sup>th</sup> day of January, 2003, I have served the attached Waiver of Statutory Decision Deadline for the Board's decision, by depositing same via First Class, U.S. Mail, with proper postage prepaid, upon the following persons:

**Dorothy M. Gunn, Clerk**  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

**Honorable Bradley J. Halloran**  
Hearing Officer  
James R. Thompson Center  
Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

**Robb Layman, Esq.**  
Division of Legal Counsel  
Illinois Env. Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276

  
\_\_\_\_\_  
Jon S. Faletto

Jon S. Faletto  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, IL 61602  
(309) 672-1483  
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(16168-3)

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

# Howard & Howard

law for business

309.672.1483

Jon S. Faletto

email: JFaletto@howardandhoward.com

January 13, 2003

*VIA FIRST-CLASS MAIL*

**Ms. Dorothy M. Gunn, Clerk**  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

**Re: Filing of Waiver for Statutory Decision Deadline  
Our File No. 16168-3**

Dear Ms. Gunn:

On behalf of the Petitioner, Perfetti Van Melle USA, Inc., we are enclosing for filing an original and eleven (11) copies of the Notice of Filing, Waiver of Statutory Decision Deadline and Certificate of Service. Please return one file-stamped copy to us in the postage paid, self-addressed envelope enclosed for your convenience.

Please do not hesitate to contact the undersigned for any questions or comments.

Very truly yours,

**HOWARD & HOWARD ATTORNEYS, P.C.**

  
Jon S. Faletto

Enclosure

cc: David Reed

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