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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

OCT 10 2003

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

STATE OF ILLINOIS
Pollution Control Board

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

Dated: October 8, 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Pollution Control Board

PERFETTI VAN MELLE USA, INC.,)
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WAIVER OF STATUTORY DECISION DEADLINE

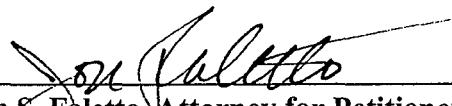
NOW COMES the Petitioner, PERFETTI VAN MELLE USA, INC., pursuant to 35 Ill. Admin. Code §101.308(c)(2) and waives the statutory deadline for final Board decision in this permit appeal proceeding as specified in Section 40 of the Illinois Environmental Protection Act, 415 ILCS 5/40 (the "Act"). In support 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 May 7, 2004 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: October 8, 2003

Jon S. Faletto
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, IL 61602
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|-------------------------------|---|-----------------------|
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| vs. |) | |
| |) | (Permit Appeal - Air) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 10th day of October, 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

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