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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD DEC 1 2003

CHAMPION LABORATORIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 04-65
)	(CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn	Carol Sudman, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA FIRST CLASS MAIL)	(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of a **NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE**, a copy of which is herewith served upon you.

Respectfully submitted,

CHAMPION LABORATORIES, INC.,
Petitioner,

Dated: November 24, 2003

By: Cassandra L. Karimi
One of Its Attorneys

Katherine D. Hodge
Cassandra L. Karimi
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE


I, Cassandra L. Karimi, the undersigned, hereby certify that I have served copies of the attached NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE, upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Carol Sudman, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

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 in Springfield, Illinois on
November 24, 2003.


Cassandra L. Karimi

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PCB 04-65
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NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES Petitioner, CHAMPION LABORATORIES, INC. (hereinafter "Champion Labs" or "Petitioner"), by its attorneys HODGE DWYER ZEMAN, pursuant to 35 Ill. Admin. Code § 101.308(c)(1), and hereby agrees to an open waiver of the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board ("Board") in the above-referenced proceeding. In support of this Notice, the Petitioner states as follows:

1. On October 14, 2003, Petitioner filed a Petition for Review of the Clean Air Act Permit Program ("CAAPP") permit granted to Champion Labs by the Illinois Environmental Protection Agency ("Illinois EPA"). Although the permit was apparently issued on June 24, 2002, Champion Labs did not receive the permit until September 9, 2003.
2. On November 6, 2003 the Board accepted this matter for hearing. Per the November 6, 2003, order of the Board, the statutory decision deadline in this matter is February 14, 2004. The Board meeting immediately before the decision deadline is scheduled for February 5, 2004.

3. Petitioner and Respondent are currently involved in discussions which may lead to the resolution of all issues pending in this matter.

4. Petitioner hereby voluntarily agrees to an open waiver of the statutory 120-day decision deadline in order to conduct settlement negotiations in this matter.

5. Counsel for Respondent has been consulted and has no objection to the filing of this open waiver.

WHEREFORE, Petitioner, CHAMPION LABORATORIES, INC. prays that the Illinois Pollution Control Board accept this open waiver of the statutory 120-day decision deadline for final action on Petitioner's Petition for Review of the CAAPP permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

CHAMPION LABORATORIES, INC.,
Petitioner,

By: Cassandra Karimi
One of Its Attorneys

Dated: November 24, 2003

Katherine D. Hodge
Cassandra L. Karimi
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CHLA:001/Fil/Open Waiver