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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NOV 01 2004

STATE OF 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

Dated: October 29, 2004

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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PERFETTI VAN MELLE USA, INC., )  
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 PROTECTION AGENCY, )  
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 Respondent. )

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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:

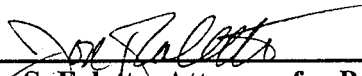
1. On September 12, 2002, Perfetti Van Melle filed a Petition for Review of the Illinois Environmental Protection Agency's decision on May 7, 2002 to deny the Petitioner's Application for a Lifetime Operating Permit. On September 19, 2002 the Board issued an Order accepting the Petition for hearing.

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 of March 3, 2005 and requests a 90-day extension to June 1, 2005, 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 29, 2004

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

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 29<sup>th</sup> day of October, 2004, 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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Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
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