

RECEIVED  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD DEC 30 2004

STATE OF ILLINOIS  
Pollution Control Board

THE PREMCOR REFINING )  
GROUP INC., )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

PCB No. 04-66  
(RCRA Permit Appeal)

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
**(VIA FIRST CLASS MAIL)**

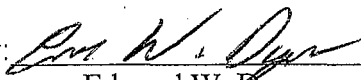
Carol Webb, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9276  
**(VIA FIRST CLASS MAIL)**

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 Petitioner The Premcor Refining Group Inc.'s, **NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL NINETY DAYS**, copies of which are hereby served upon you.

Respectfully submitted,

THE PREMCOR REFINING  
GROUP INC.,  
Petitioner,

Dated: December 28, 2004

By:   
Edward W. Dwyer

Edward W. Dwyer  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, Edward W. Dwyer, the undersigned, certify that I have served the attached

NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL

NINETY DAYS, upon:

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

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

John J. Kim, Esq.  
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, postage prepaid, in Springfield,

Illinois, on December 28, 2004.

  
\_\_\_\_\_  
Edward W. Dwyer

RECEIVED  
CLERK'S OFFICE

DEC 30 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE PREMCOR REFINING )  
GROUP INC., )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

PCB No. 04-66  
(RCRA Permit Appeal)

**NOTICE OF WAIVER OF 120-DAY  
DECISION DEADLINE FOR AN ADDITIONAL NINETY DAYS**

NOW COMES Petitioner, THE PREMCOR REFINING GROUP INC.

("Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Admin. Code § 101.105(c)(2), and hereby agrees to waive the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board ("Board"), in the above-referenced proceeding, for an additional 90 days, or until August 1, 2005. In support of this Notice, the Petitioner states as follows:

1. On January 13, 2004, Petitioner filed an Appeal of Agency Determination Regarding Request to Modify the Approved Closure Plan sent to Petitioner by the Illinois Environmental Protection Agency ("Illinois EPA") on September 10, 2003.

2. On February 6, 2004, Petitioner filed a Notice of Waiver of 120-day decision deadline for an additional ninety (90) days, or until August 12, 2004. The Board subsequently accepted this waiver.

3. On March 31, 2004, Petitioner filed a Notice of Waiver of 120-day decision deadline for an additional ninety (90) days, or until November 10, 2004. The Board subsequently accepted this waiver, but set the decision deadline for November 4, 2004, due to the Board's meeting being held on that date.

4. On August 5, 2004, Petitioner filed a Notice of Waiver of 120-day decision deadline for an additional ninety (90) days, or until February 2, 2005.

5. On October 8, 2004, Petitioner filed a Notice of Waiver of 120-day decision deadline for an additional ninety (90) days, or until May 3, 2003.

6. The parties are currently engaged in discussions that should result in the resolution of this matter. However, these efforts may extend beyond the statutory decision deadline of May 3, 2005.

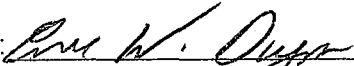
7. Therefore, Petitioner hereby voluntarily agrees to an additional waiver of the statutory 120-day decision deadline for an additional ninety days, or until August 1, 2005 to provide the parties with an opportunity to resolve this matter without the need for hearing.

WHEREFORE, Petitioner, THE PREMCOR REFINING GROUP INC., prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day

decision deadline for an additional 90 days for final action on Petitioner's Appeal of Agency Determination Regarding Request to Modify the Approved Closure Plan.

Respectfully submitted,

THE PREMCOR REFINING  
GROUP INC.,  
Petitioner,

By:   
Edward W. Dwyer

Dated: December 28, 2004

Edward W. Dwyer  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900  
PREM:005/RCRA Permit Appeal/Notice of Waiver5