

MAY 02 2005

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: April 29, 2005

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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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 current statutory deadline for the 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 finalize settlement discussions, Petitioner waives the current statutory decision deadline of August 1, 2005 and requests a 120-day extension to December 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: April 28, 2005

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