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OCT 31 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PERFETTI VAN MELLE USA, INC.,)	
)	
Petitioner,)	
)	PCB 02-215
vs.)	
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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.

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3. To allow sufficient time for the parties to finalize settlement discussions, Petitioner waives the current statutory decision deadline of March 1, 2006 and requests a 120-day extension to June 29, 2006, 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 27, 2005

Jon S. Faletto
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 27th day of October, 2005, 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.
IEPA - Division of Legal Counsel
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276



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