

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE PREMCOR REFINING	)	
GROUP INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 04-66
	)	(RCRA Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn	Carol Webb, 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 62794-9276
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board Petitioner, The Premcor Refining Group Inc.'s, **NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 120 DAYS**, a copy of which is hereby served upon you.

Respectfully submitted,

THE PREMCOR REFINING  
GROUP INC.,  
Petitioner,

Dated: January 4, 2006

By:     /s/ Edward W. Dwyer      
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, hereby certify that I have served the attached NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 120 DAYS upon:

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

via electronic mail on January 4, 2006; and upon,

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 January 4, 2006.

/s/ Edward W. Dwyer  
Edward W. Dwyer

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ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF WAIVER OF 120-DAY  
DECISION DEADLINE FOR AN ADDITIONAL 120 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 120 days, or until September 14, 2006. 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. Petitioner has timely sought and obtained waivers of the decision deadlines so that negotiations with the State might continue. Counsel for Respondent has concurred in this approach.

4. 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 17, 2006.

5. Therefore, Petitioner hereby voluntarily agrees to an additional waiver of the statutory 120-day decision deadline for an additional 120 days, or until September 14, 2006, 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 120 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: /s/ Edward W. Dwyer  
Edward W. Dwyer

Dated: January 4, 2006

Edward W. Dwyer  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
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