

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 20 2006

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 *Time Certain 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: March 16, 2006

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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TIME CERTAIN 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 files its *Time Certain Waiver of Statutory Decision Deadline* to extend the current statutory deadline for a 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 *Time Certain Waiver of Statutory Decision Deadline*, 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. As a result of those negotiations, settlement of this action appears likely. If this matter can be resolved by settlement, 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 June 29, 2006 and requests a 60-day extension to August 28, 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: March 16, 2006

Jon S. Faletto
Howard & Howard Attorneys, P.C.
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 16th day of March 2006, I have served the attached *Time Certain 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



Jon S. Faletto

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