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MAR 14 2007

STATE OF ILLINOIS
Pollution Control Board


Case No. PCB 06-140
(Permit Appeal - Air)

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Respondent.

Respectfully Submitted,

By: Hinshaw & Culbertson LLP


Jon S. Faletto
One of Its Attorneys

HINSHAW & CULBERTSON LLP
456 Fulton Street, Suite 298
Peoria, IL 61602-1220
309-674-1025

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Respondent.

TIME CERTAIN WAIVER OF STATUTORY DECISION DEADLINE

NOW COMES the Petitioner, W. R. MEADOWS, 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 May 3, 2006, Petitioner timely filed its Petition for Review to appeal a January 30, 2006, determination of the Illinois Environmental Protection Agency (“IEPA” or “Agency”), which denied Petitioner’s application for renewal of an Operating Permit for existing equipment and processes at its Kane County facility. On May 4, 2006, the Board issued an Order accepting Meadows’ Petition for Review for hearing and decision on the issues presented.

2. Petitioner and Respondent have undertaken discussions to explore the possibility of settlement of this matter and a related proceeding pending before the Board as Case No. 97-195. The parties have reached a preliminary settlement agreement that defines the scope of the actions needed to resolve the permitting and compliance issues involving Petitioner's Kane County facility. The preliminary settlement agreement has been reviewed and approved by Respondent's management. Counsel for the parties represent that this matter and related Case

No. 97-195 will be resolved by settlement, thereby avoiding the significant expenditure of time and resources associated with proceeding to hearing and final Board decision. A meeting is scheduled for March 16, 2007 to finalize all aspects of the parties' settlement agreement.

3. To allow sufficient time for the parties to finalize the settlement terms and conditions, Petitioner waives the current statutory decision deadline of June 27, 2007, and requests a 60-day extension to August 27, 2007, for the Board's decision in this proceeding.

Dated: March 12, 2007

Respectfully Submitted,

On behalf of W.R. MEADOWS, INC., Petitioner

By: Hinshaw & Culbertson LLP



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CERTIFICATE OF SERVICE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Robb Layman
Assistant Counsel - Bureau of Air
Division of Legal Counsel
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Honorable Bradley J. Halloran
Hearing Officer
James R. Thompson Center
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Dated: March 12, 2007

Respectfully Submitted,

On behalf of W.R. MEADOWS, INC., Petitioner

By: Hinshaw & Culbertson LLP


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456 Fulton Street, Suite 298
Peoria, IL 61602-1220
309-674-1025

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