## Electronic Filing, Received, Clerk's Office, June 15, 2007

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,	)	
Petitioner,	)	
Tetrioner,	í	
v.	ý	PCB 07-112
	)	(Construction Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

## **NOTICE OF FILING**

TO: Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)
Bradley P. Halloran, Esq.
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

#### (SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 120 DAYS, a copy of which is herewith served upon you.

Respectfully submitted,

LONE STAR INDUSTRIES, INC., Petitioner,

Dated: June 15, 2007 By: /s/ Thomas G. Safley

One of Its Attorneys

Katherine D. Hodge Thomas G. Safley HODGE DWYER ZEMAN 3150 Roland Avenue Post Office Box 5776 Springfield, Illinois 62705-5776 (217) 523-4900

# Electronic Filing, Received, Clerk's Office, June 15, 2007

#### **CERTIFICATE OF SERVICE**

I, Thomas G. Safley, 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 June 15, 2007; and upon:

Bradley P. Halloran, Esq. Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, Illinois 60601

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 June 15, 2007.

/s/ Thomas G. Safley
Thomas G. Safley

LONE:001/Fil/NOF-COS - Notice of Waiver PCB 07-112

### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,	)
Petitioner,	) )
vs.	) PCB 07-112
ILLINOIS ENVIRONMENTAL	(Construction Permit Appeal)
PROTECTION AGENCY,	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
,	ý
Respondent.	)

# NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 120 DAYS

NOW COMES Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi
Unicem USA (hereinafter "Petitioner"), by and through its attorneys, HODGE DWYER
ZEMAN, pursuant to 35 Ill. Admin. Code § 101.308(c)(2), and hereby agrees to waive
the statutory 120-day decision deadline for final action by the Illinois Pollution Control
Board in this proceeding for an additional 120 days, or until January 10, 2008. In support
of this Notice, the Petitioner states as follows:

- 1. On May 15, 2007, Petitioner filed a Petition for Review of the construction permit granted to Petitioner by the Illinois Environmental Protection Agency on April 6, 2007. The current statutory decision deadline for this matter is September 12, 2007.
- 2. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline, for an additional 120 days, or until January 10, 2008, in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi
Unicem USA, prays that the Illinois Pollution Control Board accept this waiver of the

# Electronic Filing, Received, Clerk's Office, June 15, 2007

statutory 120-day decision deadline for an additional 120 days for final action on Petitioner's appeal of the construction permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

LONE STAR INDUSTRIES, INC., Petitioner,

By: /s/ Thomas G. Safley
One of Its Attorneys

Dated: June 15, 2007

Katherine D. Hodge Thomas G. Safley HODGE DWYER ZEMAN 3150 Roland Avenue Post Office Box 5776 Springfield, Illinois 62705-5776 (217) 523-4900

LONE:001/Fil/Notice of Waiver PCB 07-112