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# BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUL 3 0 2007

W.R. MEADOWS, INC.,	)	STATE OF ILLINOIS Pollution Control Board
Petitioner,	)	Olidion Control Board
VS.	Case No. PCB 06-140 (Permit Appeal - Air)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	(Permit Appeal - Air)	
Respondent.	)	

### **NOTICE OF FILING**

PLEASE TAKE NOTICE that on this 27th day of July, 2007, a copy of the attached *Time* Certain Waiver of Statutory Decision Deadline was filed with the Office of the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served on you.

Dated: July 27, 2007

Respectfully Submitted,

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

By: Hinshaw & Culbertson LLP

HINSHAW & CULBERTSON LLP 416 Main St., 6th Floor Peoria, IL 61602-1220 309-674-1025

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### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

W.R. MEADOWS, INC.,	)		STATE OF ILLINOIS Pollution Control Board
Petitioner,	)		
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	) (Perr ) )	nit Appeal - Air)	4
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 was held on March 16, 2007, at which time substantial progress was made 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 November 27, 2007, and requests a 90-day extension to February 27, 2008, for the Board's decision in this proceeding.

Dated: July 27, 2007 Respectfully Submitted,

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

By: Hinshaw & Culbertson LLP

Jon S. Falletto

HINSHAW & CULBERTSON LLP 416 Main St., 6<sup>th</sup> Floor Peoria, IL 61602-1220 309-674-1025

### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Petitioner,	) ) )	STATE OF ILLINOIS Pollution Control Board
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Respondent.	, )	•

#### **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 27th day of July 2007, I have served the attached Time Certain Waiver of Statutory Decision Deadline, 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 Street, Suite 11-500 Chicago, IL 60601

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: July 27, 2007

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

Respectfully Submitted,

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

By: Hinshaw & Culbertson LLP

One of the Attorneys

HINSHAW & CULBERTSON LLP 416 Main St., 6<sup>th</sup> Floor Peoria, IL 61602-1220 309-674-1025

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