

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: Mr. John Therriault	Carol Webb, Esq.
Assistant 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
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

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 OPEN WAIVER OF 120-DAY DECISION DEADLINE**, a copy of which is hereby served upon you.

Respectfully submitted,

THE PREMCOR REFINING
GROUP INC.,
Petitioner,

Dated: October 5, 2007

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 OPEN WAIVER OF 120-DAY DECISION DEADLINE upon:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on October 5, 2007; and upon,

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

Greg Richardson, 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 October 5, 2007.

/s/ Edward W. Dwyer
Edward W. Dwyer

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NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES Petitioner, THE PREMCOR REFINING GROUP INC.

("Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Admin. Code § 101.308(c)(1), and hereby agrees to an open waiver of the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board in the above-referenced proceeding. 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 on September 10, 2003.

2. 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.

3. Petitioner and Respondent are currently involved in discussions which may lead to the resolution of all issues pending in this matter.

4. Therefore, Petitioner hereby voluntarily agrees to an open waiver of the statutory 120-day decision deadline in order to conduct settlement negotiations in this matter.

Electronic Filing, Received, Clerk's Office, October 5, 2007

WHEREFORE, Petitioner, THE PREMCOR REFINING GROUP INC., prays that the Illinois Pollution Control Board accept this open waiver of the statutory 120-day decision deadline 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: October 5, 2007

Edward W. Dwyer
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

PREM:005/RCRA Permit Appeal/Open Waiver