#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONI	E STAR INDUSTRIES, INC.,	)		
Petitioner, v.  ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,		)		
		) PCB 07-71 ) (Construction Permit Appeal)		
rkoi	Respondent.	) ) )		
NOTICE OF FILING				
TO:	Mr. John T. Therriault, Assistant Clerk of the Board Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, Illinois 60601 (VIA ELECTRONIC MAIL)	Carol Webb, Esq. Illinois Pollution Control Board 1021 North Grand Avenue East Post Office Box 19274 Springfield, Illinois 62794-9274 (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 90 DAYS, a copy of which is herewith served upon you.				
		Respectfully submitted,		
		LONE STAR INDUSTRIES, INC., Petitioner,		
Dated	l: January 8, 2008	By: /s/ Thomas G. Safley One of Its Attorneys		
Thom HODO 3150 Post O Spring	erine D. Hodge has G. Safley GE DWYER ZEMAN Roland Avenue Office Box 5776 gfield, Illinois 62705-5776 523-4900	One of its retorneys		

#### **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

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

ADDITIONAL 90 DAYS upon:

via electronic mail on January 8, 2008; and upon:

Carol Webb, Esq.

Hearing Officer

Illinois Pollution Control Board

1021 North Grand Avenue East
Post Office Box 19274

Springfield, Illinois 62794-9274

Robb H. Layman, Esq.

Assistant 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 January 8, 2008.

/s/ Thomas G. Safley
Thomas G. Safley

LONE:001/Fil/NOF-COS - Notice of Waiver5

#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	PCB 07-71
	)	(Construction Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

#### NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 90 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 90 days, or until July 20, 2008. In support of this Notice, Petitioner states as follows:

- 1. On January 29, 2007, Petitioner filed a Petition for Review of the revised construction permit granted to Petitioner by the Illinois Environmental Protection Agency on December 22, 2006.
- On October 30, 2007, Petitioner filed its fourth Notice of Waiver of 120-Day Decision Deadline in this matter. The current statutory deadline for this matter is April 21, 2008.
- 3. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline for an additional 90 days, or until July 20, 2008, in order to continue 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 statutory 120-day decision deadline for an additional 90 days for final action on Petitioner's appeal of the revised 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: January 8, 2008

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 Waiver5