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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAR 1 4 2008

KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC.,	STATE OF ILLINOIS online Control Board
Petitioners,)
v.) Case No.2005-035) Permit Appeal
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

OPEN WAIVER OF DEADLINE FOR DECISION

NOW COME Petitioners, KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC., by their undersigned attorney, and pursuant to this Board's procedural rule 101.308(c)(1), 35 Ill. Adm. Code Sec. 101.308(c)(1), hereby additionally waive their right to a decision within 120 days from the date of filing of the Petition for Review in this case, as provided in Section 40.1(a) of the Illinois Environmental Protection Act, 415 ILCS 5/40.1(a), and waive the deadline for final Board action with an open waiver from the current decision deadline, until such time, if ever, that Petitioners reinstate the 120-day decision period.

Respectfully submitted,

Kibler Development Corporation & Marion Ridge Landfill, Inc., Petitioners,

By their attorney,

HEDINGER-LAW OFFICE

Bv

Stephen F

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BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

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NOTICE OF FILING AND PROOF OF SERVICE

The undersigned certifies that an original and nine copies of the foregoing Open Waiver of Deadline for Decision and of this Notice of Filing and Proof of Service, were served upon the Clerk of the Illinois Pollution Control Board, and one copy to each of the following parties of record and hearing officer in this cause by enclosing same in an envelope addressed to:

Dorothy Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St., Suite 11-500 Chicago, IL 60601 Francis X. Lyons Bell, Boyd & Lloyd LLC 70 West Madison Street Chicago, 1L 60602

Carol Webb (hand delivery)
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East, P.O. Box 19274
Springfield, IL 62796-9274

Melanie Jarvis (hand delivery)
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

via hand delivery as indicated, or with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Springfield, Illinois before 5:30 p.m. on the day of March, 2008.

Stephen F. Hedinger

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