

Electronic Filing - Received, Clerk's Office, March 24, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
March 24, 2008

VESUVIUS USA CORPORATION,)
)
Petitioner,)
)
v.) PCB 08-48
) (Permit Appeal – Air)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

NOTICE OF FILING

TO: Mr. John T. Therriault Carol Webb, Esq.
Assistant Clerk Hearing Officer
Illinois Pollution Control Board Illinois Pollution Control Board
James R. Thompson Center 1021 North Grand Avenue East
100 West Randolph, Suite 11-500 P.O. Box 19274
Chicago, Illinois 60601 Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL) **(VIA UNITED STATES MAIL)**

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**, directed to the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

VESUVIUS USA CORPORATION
Petitioner,

Dated: March 24, 2008

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

VESU-003\FilNOF - Waiver01

THIS FILING SUBMITTED ON RECYCLED PAPER

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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 90
DAYS upon:

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 on March 24, 2008; and upon:

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

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 March 24, 2008.

/s/ Thomas G. Safley
Thomas G. Safley

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VESUVIUS USA CORPORATION,)	
)	
Petitioner,)	
)	
vs.)	PCB 08-48
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**NOTICE OF WAIVER OF 120-DAY
DECISION DEADLINE FOR AN ADDITIONAL 90 DAYS**

NOW COMES Petitioner, VESUVIUS USA CORPORATION (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 September 17, 2008. In support of this Notice, Petitioner states as follows:

1. On March 3, 2008, Petitioner filed a Petition for Review of the Federally Enforceable State Operating Permit issued to Petitioner by the Illinois Environmental Protection Agency on January 28, 2008. The current statutory decision deadline for this matter is June 19, 2008.

2. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline for an additional 90 days, or until September 17, 2008, in order to conduct settlement negotiations in this matter.

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WHEREFORE, Petitioner, VESUVIUS USA CORPORATION, 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 Federally Enforceable State Operating Permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

VESUVIUS USA CORPORATION
Petitioner,

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

Dated: March 24, 2008

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Thomas G. Safley
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