

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

W.R. MEADOWS, INC.,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. PCB 06-140
(Permit Appeal - Air)

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STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING


PLEASE TAKE NOTICE that on this 28th day of May 2008, 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: May 28, 2008

Respectfully Submitted,

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

By: Hinshaw & Culbertson LLP


Jon S. Faletto
One of His Attorneys

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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 final settlement agreement that defines the scope of the actions needed to resolve the permitting and compliance issues involving Petitioner's Kane County facility. The terms and conditions of the final settlement have 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.


3. To allow sufficient time for the parties to memorialize the parties' settlement, Petitioner waives the current statutory decision deadline of August 29, 2008, and requests a 90-day extension to November 27, 2008, for the Board's decision in this proceeding.

Dated: May 28, 2008

Respectfully Submitted,

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

By: Hinshaw & Culbertson LLP



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