

STATE OF ILLINOIS
Pollution Control Board

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KIBLER DEVELOPMENT CORPORATION and
MARION RIDGE LANDFILL, INC.,

Petitioners,

v.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

Case No.2005-035
Permit Appeal

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PETITIONERS WITHDRAWAL OF SUGGESTION OF SETTLEMENT

NOW COME Petitioners, KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC., through their undersigned attorney, and hereby withdraw their suggestion of settlement as expressed in the Hearing Officer's May 19, 2008 order. In support, Petitioners state as follows:

1. Pursuant to separate permit application, Petitioners had intended to settle all disputes with Respondent concerning this permit appeal.
2. Although Respondent is in agreement with the terms of the settlement, a third party has now filed an action with this Board (PCB 08-43) purporting to object to the permit which is the basis for the anticipated settlement in this case.
3. Accordingly, until the third party matter is fully concluded, Petitioners are unable to dismissing this matter. However, Petitioners have filed an open waiver of the decision deadline, and as of this time that open waiver remains in effect. Petitioners reserve their right under this Board's rules, and the Environmental Protection Act, to take any actions in the future they deem necessary or appropriate to secure their position.

WHEREFORE Petitioners, KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC., hereby withdraw their suggestion of settlement of this matter.

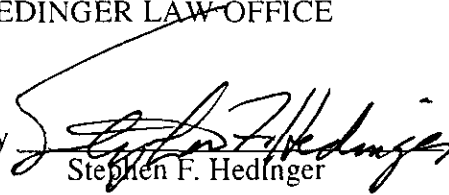
Respectfully submitted,

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

By their attorney,

HEDINGER LAW OFFICE

By

A handwritten signature in black ink, appearing to read "Stephen F. Hedinger", is written over a horizontal line. The signature is stylized with a large, sweeping initial "S".

Stephen F. Hedinger

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