

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

W.R. MEADOWS, INC.,

Petitioner,

V.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB No. Case No. PCB 06-140

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 negotiated resolution 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 negotiated resolution 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 pursuant to that negotiated resolution, 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 implement the actions required by the negotiated resolution, which actions will determine that this proceeding may be voluntarily dismissed, Petitioner waives the current statutory decision deadline of February 25, 2009, and requests a 60-day extension to May 4, 2009, for the Board's decision in this proceeding.

Respectfully submitted,

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

/s/ Jon S. Faletto
Jon S. Faletto
One of Its Attorneys

Jon S. Faletto
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309-674-1025

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NOTICE OF FILING

PLEASE TAKE NOTICE that on this 14th day of November, 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 upon you.

Respectfully submitted,

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

/s/ Jon S. Faletto
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 14th day of November 2008, I have served the attached ***Time Certain Waiver of Statutory Decision Deadline***, by depositing same via First Class U.S. Mail with proper postage prepaid, upon the following persons:

John Therriault, Asst. Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Robb Layman
Assistant Counsel - Bureau of Air
Division of Legal Counsel
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Honorable Bradley J. Halloran
Hearing Officer
James R. Thompson Center
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Respectfully submitted,

On behalf of W.R. MEADOWS, INC.,
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/s/ Jon S. Faletto
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