

RECEIVED
CLERK'S OFFICE

JAN 16 2009

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHN C. BLICKHAN,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

Case No. PCB 2008-59
(Permit Appeal - Land)

NOTICE

John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

James G. Richardson, Asst. Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Thomas Davis, Asst. Attorney General
Chief, Environmental Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706

PLEASE TAKE NOTICE that I have today caused to be filed a *Time Certain Waiver of Statutory Decision Deadline* with the Illinois Pollution Control Board, copies of which are served upon you.

Dated: January 13, 2009

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

Jon S. Faletto
HINSHAW & CULBERTSON LLP
416 Main Street – 6th Floor
Peoria, IL 61602-3126
309-674-1025
309-674-9328 (fax)
jfaletto@hinshawlaw.com

CERTIFICATE OF SERVICE

I hereby certify that I did on January 13, 2009, send by First Class U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the attached instrument entitled *Time Certain Waiver of Statutory Decision Deadline*, to:

Thomas Davis, Asst. Attorney General
Chief, Environmental Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706

James G. Richardson, Asst. Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument to:

John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Dated: January 13, 2009

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

Jon S. Faletto
HINSHAW & CULBERTSON LLP
416 Main Street – 6th Floor
Peoria, IL 61602-3126
309-674-1025
309-674-9328 (fax)
jfaletto@hinshawlaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHN BLICKHAN,)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

Case No. PCB 08-59
(Permit Appeal - Land)

RECEIVED
CLERK'S OFFICE
JAN 16 2009
STATE OF ILLINOIS
Pollution Control Board

TIME CERTAIN WAIVER OF STATUTORY DECISION DEADLINE

NOW COMES the Petitioner, JOHN BLICKHAN, pursuant to 35 Ill. Admin. Code §101.308(c)(2) and files his *Time Certain Waiver of Statutory Decision Deadline* to extend the current statutory deadline for a final Board decision in this 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 June 27, 2008, Petitioner timely filed its *Petition for Review* to appeal a February 22, 2008, determination of the Illinois Environmental Protection Agency ("IEPA" or "Agency"), which denied Petitioner's application for completion of the post-closure care period for the closed Blickhan Landfill. The statutory deadline for filing the Petition had been extended by the Board's Order entered March 28, 2008, pursuant to a stipulation and request of the Parties.
2. On July 10, 2008, the Board issued an Order accepting Petitioner's *Petition for Review* for hearing and decision on the issues presented.
3. Petitioner and Respondent (collectively the "Parties"), have undertaken preliminary discussions to explore the possibility of settlement.
4. On August 19, 2008, technical and legal representatives for the Parties met to attempt to resolve the technical matters raised in this Appeal. At that time, an agreement was

reached on the additional information and investigation through groundwater sampling that were considered necessary to answer certain technical questions about conditions at the Blickhan Landfill.

5. Petitioner's environmental consultant proceeded with additional groundwater monitoring to address technical questions raised by the IEPA representatives. Additionally, Petitioner's environmental consultant has assembled historic sampling results and background information requested by IEPA officials during the August 19th meeting. Petitioner recently submitted that information and the results of the agreed additional groundwater investigations to IEPA officials for their review and consideration.

6. If this matter can be resolved by settlement, the expenditure of time and resources associated with proceeding to hearing and final Board decision will be avoided. To allow sufficient time for IEPA to complete its technical review of the additional information provided by Petitioner and reach agreement allowing informal resolution of this matter, Petitioner waives the current statutory decision deadline of May 21, 2009, and requests an approximate 120-day extension to September 17, 2009, for the Board's decision in this proceeding.

Dated: January 13, 2009

Respectfully Submitted,

On behalf of JOHN C. BLICKHAN, Petitioner

By: 

Jon S. Faletto
Hinshaw & Culbertson LLP
416 Main St., 6th Floor
Peoria, IL 61602-1220
309-674-1025