

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VESUVIUS USA CORPORATION, )  
 )  
 Petitioner, )  
 ) PCB 08-48  
 v. ) (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 US 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**, directed to the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

VESUVIUS USA CORPORATION,  
Petitioner,

Dated: February 5, 2009

By: /s/ Katherine D. Hodge  
One of Its Attorneys

Katherine D. Hodge  
Lauren C. Lurkins  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE**

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 thereby agrees to waive the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board (“Board”) in this proceeding until August 20, 2009. 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.

2. On March 24, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 90 Days, or until September 17, 2008.

3. On May 27, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 90 Days, or until December 3, 2008.

4. On July 24, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until February 19, 2009.

5. On November 19, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until May 21, 2009, which is the current statutory deadline.

Electronic Filing - Received, Clerk's Office, February 5, 2009

6. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline until August 20, 2009, in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, VESUVIUS USA CORPORATION, prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day decision deadline 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,

Dated: February 5, 2009

By: /s/ Katherine D. Hodge  
One of its Attorneys

Katherine D. Hodge  
Lauren C. Lurkins  
HODGE DWYER ZEMAN  
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**CERTIFICATE OF SERVICE**

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached

NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE 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 February 5, 2009; 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 February 5, 2009.

/s/ Katherine D. Hodge  
Katherine D. Hodge