BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

	NOTICE OF FILING	STATE OF ILLINOIS
Respondent.)	MAR 2 7 2009
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	RECEIVED CLERK'S OFFICE
V.) PC	B No. Case No. PCB 06-140
Petitioner,)	
W.R. MEADOWS, INC.,)	

Pollution Control Board

PLEASE TAKE NOTICE that on this 25th day of March 2009, a copy of the attached Open 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

One of Its Attorneys

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

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W.R. MEADOWS, INC.,	MAR 2 7 2009
Petitioner,	STATE OF ILLINOIS Pollution Control Board
V.	PCB No. Case No. PCB 06-140
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	
Respondent.)

OPEN 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 *Open Waiver of Statutory Decision Deadline* to extend the current statutory deadline indefinitely 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 Open 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 May 4, 2009, and requests an indefinite stay of the statutory decision date in this proceeding.

Respectfully submitted,

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

Jon S.) Faletto

One of Its Attorneys

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W.R. MEADOWS, INC.,)
Petitioner,)
v.) PCB No. Case No. PCB 06-140
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)))
Respondent.)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 25th of March 2009, I have served the attached *Open 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

Honorable Bradley J. Halloran

Hearing Officer James R. Thompson Center Illinois Pollution Control Board 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

Respectfully submitted,

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

Jon S. Faletto

One-of Its Attorneys

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