

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 08-103
)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John Therriault	Bradley P. Halloran, Esq.
Assistant Clerk	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	James R. Thompson Center
100 West Randolph, Suite 11-500	100 West Randolph, Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(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,

KCBX TERMINALS COMPANY,
Petitioner,

Dated: April 27, 2009

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

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

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)	(Permit Appeal – Air)
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NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES Petitioner, KCBX TERMINALS COMPANY (hereinafter “Petitioner”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Admin. Code § 101.308(c)(2), and hereby agrees to waive the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board in this proceeding until October 1, 2009. In support of this Notice, Petitioner states as follows:

1. On June 27, 2008, Petitioner filed a Petition for Review of the “Construction Permit Grant – Operating Permit Denial – NSPS Source” issued to Petitioner by the Illinois Environmental Protection Agency on May 23, 2008.
2. On July 29, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 70 Days, or until January 5, 2009.
3. On October 20, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 70 Days, or until March 16, 2009.
4. On November 24, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an additional 66 days, or until May 21, 2009.

Electronic Filing - Received, Clerk's Office, April 27, 2009

5. On February 23, 2009, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an additional 63 days, or until July 23, 2009.

6. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline by an additional seventy (70) days, or until October 1, 2009, in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, KCBX TERMINALS COMPANY, 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 "Construction Permit Grant – Operating Permit Denial – NSPS Source" issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

KCBX TERMINALS COMPANY,
Petitioner,

Dated: April 27, 2009

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

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Lauren C. Lurkins
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KCBX:003/Fil/Air Permit Appeal-PCB 08-103/Waiver 05

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 April 27, 2009; and upon:

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

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 April 27, 2009.

/s/Katherine D. Hodge
Katherine D. Hodge