

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|------------------------|---|------------------------|
| JOHN C. BLICKHAN, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. PCB 2008-59 |
| |) | (Permit Appeal - Land) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

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

Carol Webb
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

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 electronically filed a *Time Certain Waiver of Statutory Decision Deadline* with the Illinois Pollution Control Board, copies of which are served upon you.

Dated: December 15, 2009

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

Jon S. Faletto
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| JOHN BLICKHAN, |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. PCB 08-59 |
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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.

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. Technical and legal representatives for the Parties have met on several occasions to attempt to resolve the technical matters raised in this Appeal.

Electronic Filing - Received, Clerk's Office, December 15, 2009

5. As directed by IEPA's technical personnel, Petitioner's environmental consultant proceeded with additional groundwater monitoring to address certain technical questions and assembled historic sampling results and background information for review by IEPA. Statistical analyses of the groundwater sampling results also was completed recently.

6. The Parties scheduled a meeting for December 9, 2009, to discuss the additional groundwater investigations and the results of the statistical analyses completed by Petitioner's environmental consultant. Due to the severe winter storms that occurred on December 8th & 9th however, the Parties were forced to reschedule the meeting for January 27, 2010.

7. 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 the Parties to meet to discuss the additional groundwater monitoring data and the results of the statistical analyses of the existing groundwater data which may permit an informal resolution of this matter, Petitioner waives the current statutory decision deadline of March 18, 2010, and requests an extension to June 3, 2010, for the Board's decision in this proceeding.

Dated: December 15, 2009

Respectfully Submitted,

On behalf of JOHN C. BLICKHAN, Petitioner

By: 

Jon S. Faletto
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CERTIFICATE OF SERVICE

I hereby certify that I did on December 15, 2009, electronically file a true and correct copy of the attached instrument entitled *Time Certain Waiver of Statutory Decision Deadline*, and served the following by depositing a copy in the U.S. mail addressed as follows:

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
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Carol Webb
Hearing Officer
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100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Dated: December 15, 2009

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

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