

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: February 25, 2010

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

Jon S. Faletto  
HINSHAW & CULBERTSON LLP  
416 Main Street – 6<sup>th</sup> Floor  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHN BLICKHAN,	)	
Petitioner,	)	
	)	
vs.	)	Case No. PCB 08-59
	)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**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. 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.

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. The Parties recently met on January 27, 2010, at the IEPA’s Springfield offices.

5. During the January 27<sup>th</sup> meeting, the Parties identified a tentative settlement involving limited groundwater sampling and analysis to address certain technical questions raised by IEPA. The agreed-upon groundwater sampling was completed recently in furtherance of the tentative settlement agreement.

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 the Parties to meet to discuss the analytical results of the additional groundwater sampling (which may allow the Parties to finalize a settlement agreement), Petitioner waives the current statutory decision deadline of June 3, 2010, and requests an extension to October 1, 2010, for the Board's decision in this proceeding.

Dated: February 25, 2010

Respectfully Submitted,

On behalf of JOHN C. BLICKHAN, Petitioner

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Jon S. Faletto", is written over a horizontal line.

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

**CERTIFICATE OF SERVICE**

I hereby certify that I did on February 25, 2010, 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  
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Hearing Officer  
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100 West Randolph Street, Suite 11-500  
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Dated: February 25, 2010

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By:  \_\_\_\_\_

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