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DEC '23 2010

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHN C. BLICKHAN,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

Case No. PCB 2008-59
(Permit Appeal - Land)

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

Dated: December 20, 2010

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

Jon S. Faletto
HINSHAW & CULBERTSON LLP
416 Main Street – 6th Floor
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JOHN BLICKHAN,)
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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 the *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. Technical and legal representatives for the Parties have met on several occasions to attempt to resolve the technical matters raised in this Appeal.
4. At the last technical meeting, the Parties outlined terms of a tentative settlement involving additional groundwater sampling and analysis to address questions raised by IEPA.

The agreed-upon groundwater sampling was completed in furtherance of the tentative settlement agreement, but certain inconsistencies in the sampling methodology and/or the laboratory analyses were identified.

5. The Parties agreed to repeat the groundwater sampling to obtain accurate and valid results. The repeat sampling was completed on December 15, 2010, and analytical results are expected in the next several weeks.

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 April 21, 2011, and requests an extension to July 18, 2011, for the Board's decision in this proceeding.

Dated: December 20, 2010

Respectfully Submitted,

On behalf of JOHN C. BLICKHAN, Petitioner

By: _____



Jon S. Faletto
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309-674-1025

CERTIFICATE OF SERVICE

I hereby certify that I did on December 20, 2010, 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
Springfield, IL 62794-9276

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

Dated: December 20, 2010

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

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