

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
VESUVIUS USA CORPORATION,

Petitioner,)
)
)
v.) PCB 08-48
) (Permit Appeal - Air)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

NOTICE OF FILING

TO: Mr. John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
(VIA FIRST CLASS 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,

VESUVIUS USA CORPORATION,
Petitioner,

Dated: February 4, 2011

By: Is/ Lauren C. Lurkins
Lauren C. Lurkins

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

CERTIFICATE OF SERVICE

I, Lauren C. Lurkins, 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 February 4, 2011; and upon:

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North and Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

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 February 4, 2011.

Is/ Lauren C. Lurkins

Lauren C. Lurkins

Electronic Filing - Received, Clerk's Office, February 4, 2011

6. On February 5, 2009, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until August 20, 2009.
7. On April 14, 2009, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until November 19, 2009.
8. On July 23, 2009, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until February 18, 2010.
9. On November 23, 2009, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until May 6, 2010.
10. On January 26, 2010, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until July 15, 2010.
11. On March 25, 2010, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until October 7, 2010,
12. On May 25, 2010, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until December 16, 2010.
13. On September 29, 2010, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until March 17, 2011.
14. On December 2, 2010, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until May 19, 2011, which is the current deadline.
15. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline until July 21, 2011, in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, VESUVIUS USA CORPORATION, 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 Federally Enforceable State

Operating Permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

VESUVIUS USA CORPORATION,
Petitioner,

By: Lauren C. Larkins
_Lauren C. Larkins

Dated: February 4, 2011

Katherine D. Hodge
Lauren C. Larkins
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