### **BEFORE THE ILLINOIS POLLUTION CONTROL BOARD** VESUVIUS USA CORPORATION,

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Petitioner,

v.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

PCB 08-48 (Permit Appeal - Air)

## **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: <u>Is/ Lauren C. Lurkins</u> 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

VESCJ:003/Fil/COS - Waiver 013

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# BEFORE THE ILLINOIS POLLUTION CONTROL BOARD VESUVIUS USA CORPORATION,

Petitioner,	
v.	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	
Respondent.	

PCB 08-48 (Permit Appeal - Air)

### NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE NOW COMES Petitioner, VESUVIUS USA CORPORATION (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 ("Board") in this proceeding until July 21, 2011. In support of this Notice, Petitioner states as follows:

1. On March 3, 2008, Petitioner filed a Petition for Review of the Federally Enforceable State Operating Permit issued to Petitioner by the Illinois Environmental Protection Agency on January 28, 2008.

2. On March 24, 2008, Petitioner filed a Notice of Waiver of 120-Day

Decision Deadline for an Additional 90 Days, or until September 17, 2008.

3. On May 27, 2008, Petitioner filed a Notice of Waiver of 120-Day

Decision Deadline for an Additional 90 Days, or until December 3, 2008.

On July 24, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision
Deadline until February 19, 2009.

5. On November 19, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until May 21, 2009.

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

 On February 5, 2009, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until August 20, 2009.

 On April 14, 2009, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until November 19, 2009.

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,

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-DayDecision 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

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

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:<u>Is/ Lauren C. Larkins</u> Lauren C. Lurkins

Dated: February 4, 2011

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

VESU:003/Fi1/Waiver of 120-Day Decision Deadline 13