

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 10-110
)	(Air Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John Therriault	Bradley P. Halloran, Esq.
Assistant Clerk	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	James R. Thompson Center
100 West Randolph, Suite 11-500	100 West Randolph, Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(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**, a copy of which is herewith served upon you.

Respectfully submitted,

KCBX TERMINALS COMPANY,
Petitioner,

Dated: April 8, 2011

By: /s/ Lauren C. Lurkins
One of Its Attorneys

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
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on April 8, 2011; and upon:

Christopher Grant, Esq.
Office of the Illinois Attorney General
69 West Washington Street, 18th Floor
Chicago, Illinois 60602

Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on April 8, 2011.

/s/ Lauren C. Lurkins
Lauren C. Lurkins

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
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Petitioner,)	
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v.)	PCB 10-110
)	(Permit Appeal-Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES Petitioner, KCBX TERMINALS COMPANY (“KCBX”), a North Dakota corporation, 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 August 18, 2011. In support of this Notice, KCBX states as follows:

1. On June 29, 2010, KCBX filed a Petition for Review (“Petition”) of the “Construction Permit – Revised” issued to KCBX by the Illinois Environmental Protection Agency on May 25, 2010. KCBX also filed a Motion to Stay the Effectiveness of Contested Permit Conditions (“Motion to Stay”) simultaneously therewith.
2. On July 15, 2010, the Board accepted the Petition for hearing, but reserved ruling on the Motion to Stay. Board Order, KCBX Terminals Company v. Illinois EPA, PCB No. 10-110 (Ill.Pol.Control.Bd. July 15, 2010).
3. On August 3, 2010, KCBX filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 30 Days, or until November 26, 2010.

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4. On August 11, 2010, KCBX filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 45 Days, or until January 10, 2011.

5. On September 28, 2010, KCBX filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 60 Days, or until March 11, 2011.

6. On November 22, 2010, KCBX filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 60 Days, or until May 10, 2011.

7. On February 7, 2011, KCBX filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 60 Days, or until July 9, 2011.

8. On March 29, 2011, Respondent filed its Motion to Consolidate with Case No. PCB 11-43.

9. On April 5, 2011, KCBX filed its Response to Respondent's Motion to Consolidate with Case No. PCB 11-43, stating it had no objection to the consolidation of the instant case and the case of KCBX Terminals Inc. v. IEPA, PCB 11-43 ("PCB 11-43") provided only that no delay resulted from the consolidation.

10. In light of such consolidation, KCBX voluntarily agrees to waive the statutory 120-day decision deadline until August 18, 2011, which is the current decision deadline in PCB 11-43.

11. The current statutory decision deadline for this matter is July 9, 2011.

12. KCBX hereby voluntarily agrees to waive the statutory 120-day decision deadline until August 18, 2011.

WHEREFORE, Petitioner, KCBX TERMINALS COMPANY, prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day decision

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deadline until August 18, 2011, for final action on KCBX's appeal of the "Construction Permit – Revised" issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

KCBX TERMINALS COMPANY,
Petitioner,

Dated: April 8, 2011

By: /s/ Lauren C. Lurkins
One of Its Attorneys

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