

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PERFETTI VAN MELLE USA, INC.,)
)
 Petitioner,)
)
 vs.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

Case No. PCB 02-215
(Permit Appeal - Air)

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Pollution Control Board

NOTICE OF FILING

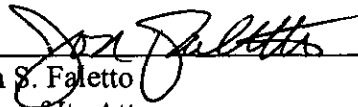
PLEASE TAKE NOTICE that on this 1st day of June 2006, a copy of the attached *Time Certain Waiver of Statutory Decision Deadline* was filed with the Office of the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served on you.

Dated: June 1, 2006

Respectfully Submitted,

On behalf of PERFETTI VAN VELLE USA, INC.,
Petitioner

By: Hinshaw & Culbertson LLP



Jon S. Faletto
One of Its Attorneys

HINSHAW & CULBERTSON LLP
456 Fulton Street, Suite 298
Peoria, IL 61602-1220
309-674-1025

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TIME CERTAIN WAIVER OF STATUTORY DECISION DEADLINE

NOW COMES the Petitioner, PERFETTI VAN MELLE USA, INC., pursuant to 35 Ill. Admin. Code §101.308(c)(2) and files its *Time Certain Waiver of Statutory Decision Deadline* to extend the current statutory deadline for a final Board decision in this permit appeal proceeding as specified in Section 40 of the Illinois Environmental Protection Act, 415 ILCS 5/40 (the "Act"). In support of its *Time Certain Waiver of Statutory Decision Deadline*, Petitioner states:

1. On September 12, 2002, Perfetti Van Melle filed a Petition for Review of the Illinois Environmental Protection Agency's decision on May 7, 2002 to deny the Petitioner's Application for a Lifetime Operating Permit. On September 19, 2002 the Board issued an Order accepting the Petition for hearing.

2. Petitioner and Respondent have undertaken discussions to explore the possibility of settlement. As a result of those negotiations, settlement of this action appears likely. 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.

3. To allow sufficient time for the parties to finalize settlement discussions, Petitioner waives the current statutory decision deadline of August 28, 2006 and requests a 60-day extension to October 28, 2006, for the Board's decision in this proceeding.

Dated: June 1, 2006

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| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 1st day of June 2006, I have served the attached *Time Certain Waiver of Statutory Decision Deadline*, by depositing same via First Class U.S. Mail with proper postage prepaid, upon the following persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

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


Robb Layman, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Dated: June 1, 2006

Respectfully Submitted,

On behalf of PERFETTI VAN VELLE USA, INC.,
Petitioner

By: Hinshaw & Culbertson LLP



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