

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ELECTRO-MOTIVE DIESEL, INC.)	
)	
Petitioner,)	
)	
v.)	PCB No. _____
)	(CAAPP Appeal – Ninety Day Extension)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Certificate of Service

Please take notice that on January 17, 2007, I filed with the Illinois Pollution Control Board this Notice of Filing, Request For Ninety Day Extension Of Appeal Period, copies of which are attached and hereby served upon you.

Dated: January 17, 2007

ELECTRO-MOTIVE DIESEL, INC.

By: _____

One of Its Attorneys

Michael P. Rissman
Kevin Desharnais
MAYER, BROWN, ROWE & MAW LLP
71 South Wacker Drive
Chicago, Illinois 60606
(312) 782-0600

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REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD

NOW COMES the Petitioner, Electro-Motive Diesel, Inc., by one of its attorneys, Kevin G. Desharnais, and pursuant to Section 40.2 of the Illinois Environmental Protection Act (415 ILCS 5/40.2), hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for appealing a Clean Air Act Permit Program (“CAAPP”) permit by the maximum period of time for such extension allowed under Section 40.2 of the Act.

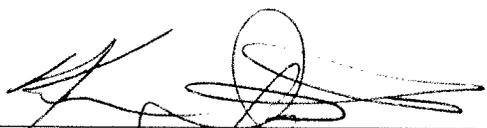
In support of this request for extension, Electro-Motive Diesel, Inc. states as follows:

1. Respondent Illinois Environmental Protection Agency issued a final CAAPP permit renewal (“Permit”), Facility I.D. No. 031174AAA, Application No. 95120282, to Petitioner on December 13, 2006, which Permit was subsequently received by Petitioner. A copy of the first page of the Permit is attached hereto as Exhibit A.
2. The additional time requested by Petitioner may eliminate the need for the filing of an appeal before this Board to address certain items in the permit which may be in dispute.
3. As is set forth in the accompanying affidavit (Exhibit B), the undersigned counsel certifies that counsel for Respondent agrees to the requested extension and joins in the request.

WHEREFORE, for the reasons stated above, Petitioner requests that the Board, in the interest of administrative and judicial economy, grant this request for the maximum extension of the thirty-five day period for petitioning for a hearing.

Dated: January 17, 2007

ELECTRO-MOTIVE DIESEL, INC.

By: 

One of Its Attorneys

Michael P. Rissman
Kevin Desharnais
MAYER, BROWN, ROWE & MAW LLP
71 South Wacker Drive
Chicago, Illinois 60606
(312) 782-0600

217/782-2113

RENEWAL
CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT

PERMITTEE:

Electro-Motive Diesel, Inc.
Attn: Jack Kaps, Assistant Superintendent Env. Eng.
9301 West 55th Street
McCook, Illinois 60525

I.D. No.: 031174AAA
Application No.: 95120282

Date Received: June 1, 2004
Date Issued: December 13, 2006
Expiration Date¹: December 13, 2011

Operation of: Locomotive engines and components manufacturing
Source Location: 9301 West 55th Street, McCook, Cook County
Responsible Official: Al Hediger, Vice President Operations

This permit is hereby granted to the above-designated Permittee to OPERATE a Locomotive engines and components manufacturing plant, pursuant to the above referenced permit application. This permit is subject to the conditions contained herein.

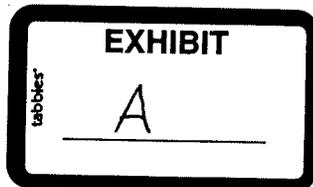
If you have any questions concerning this permit, please contact Sunil Suthar at 217/782-2113.

Edwin C. Bakowski, P.E.
Acting Manager, Permit Section
Division of Air Pollution Control

ECB:SIS:psj

cc: Illinois EPA, FOS, Region 1
CES
Lotus Notes

¹ Except as provided in Conditions 1.5 and 8.7 of this permit.



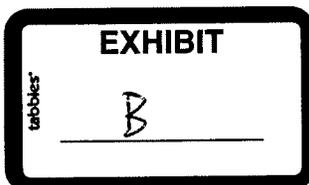
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STATE OF ILLINOIS)	
)	SS:
COUNTY OF COOK)	

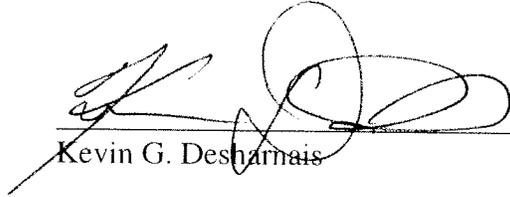
AFFIDAVIT OF KEVIN G. DESHARNAIS

Kevin G. Desharnais, being duly sworn on oath, deposes and states:

1. I am one of the attorneys for Petitioner Electro-Motive Diesel, Inc. (“EMD”) in the above-captioned matter.
2. EMD received a Renewal CAAPP Permit I.D. No. 031174AAA, Application No. 95120282 which bears the issue date of December 13, 2006. There are several terms in the permit which are in error and which EMD intends to have corrected. EMD would prefer to have said errors corrected by the Illinois Environmental Protection Agency, rather than by an appeal to the Pollution Control Board, if that is possible.
3. Today I spoke with Mr. Robb Layman, one of the attorneys for the Illinois Environmental Protection Agency. My colleague Michael Rissman also participated in the call. Mr. Rissman and I stated to Mr. Layman that on behalf of EMD we wished to request an extension pursuant to Section 40.2 of the Illinois Environmental Protection Act of the period of time to petition for a hearing before the Board to contest the decision of the Agency.
4. Mr. Layman authorized Mr. Rissman and me to state to this Board that Mr. Layman agreed, on behalf of the Agency, to the request for the extension. (Mr. Layman did not authorize us to convey, and we do not convey, any opinion of Mr. Layman regarding the merits of any petition for hearing.)

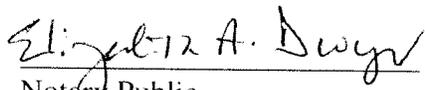


Further Affiant Sayeth Naught.

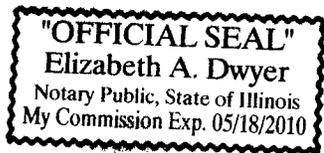


Kevin G. Desharnais

Subscribed and sworn to
before me this 17th day
of January, 2007



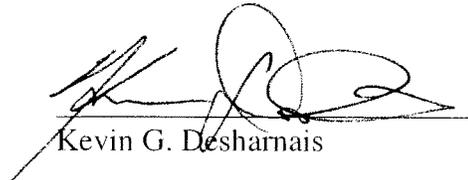
Notary Public



CERTIFICATE OF SERVICE

Kevin G. Desharnais, an attorney, certifies that a copy of the foregoing Request For
Ninety Day Extension Of Appeal Period was sent by First Class United States Mail, proper
postage prepaid, on January 17, 2007 to:

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


Kevin G. Desharnais