

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**  
CLERK'S OFFICE

KIBLER DEVELOPMENT CORPORATION and )  
MARION RIDGE LANDFILL, INC., )  
 )  
Petitioners, )  
 )  
v. )  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

JUN 04 2008

STATE OF ILLINOIS  
Pollution Control Board

Case No.2007-043  
Permit Appeal

**PETITIONERS WITHDRAWAL OF SUGGESTION OF SETTLEMENT**

NOW COME Petitioners, KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC., through their undersigned attorney, and hereby withdraw their suggestion of settlement as expressed in the Hearing Officer's May 19, 2008 order. In support, Petitioners state as follows:

1. Pursuant to separate permit application, Petitioners had intended to settle all disputes with Respondent concerning this permit appeal.
2. Although Respondent is in agreement with the terms of the settlement, a third party has now filed an action with this Board (PCB 08-43) purporting to object to the permit which is the basis for the anticipated settlement in this case.
3. Accordingly, until the third party matter is fully concluded, Petitioners are unable to dismissing this matter. However, Petitioners have filed an open waiver of the decision deadline, and as of this time that open waiver remains in effect. Petitioners reserve their right under this Board's rules, and the Environmental Protection Act, to take any actions in the future they deem necessary or appropriate to secure their position.

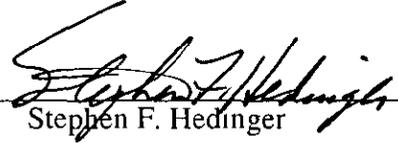
WHEREFORE Petitioners, KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC., hereby withdraw their suggestion of settlement of this matter.

Respectfully submitted,

Kibler Development Corporation & Marion Ridge  
Landfill, Inc.,  
Petitioners,

By their attorney,

HEDINGER LAW OFFICE

By   
Stephen F. Hedinger

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**NOTICE OF FILING AND PROOF OF SERVICE**

The undersigned certifies that an original and nine copies of the foregoing Petitioner's Withdrawal of Suggestion of Settlement and of this Notice of Filing and Proof of Service, were served upon the Clerk of the Illinois Pollution Control Board, and one copy to each of the following parties of record and hearing officer in this cause by enclosing same in an envelope addressed to:

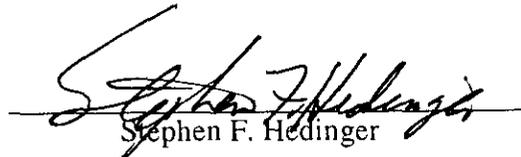
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Francis X. Lyons  
Bell, Boyd & Lloyd LLC  
70 West Madison Street  
Chicago, IL 60602

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
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Springfield, IL 62796-9274

Melanie Jarvis  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mail Box in Springfield, Illinois before 5:30 p.m. on the 2nd day of June, 2008.

  
Stephen F. Hedinger

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