



**Electronic Filing - Received, Clerk's Office, July 29, 2008**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 08-103
	)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF WAIVER OF 120-DAY  
DECISION DEADLINE FOR AN ADDITIONAL 70 DAYS**

NOW COMES Petitioner, KCBX TERMINALS COMPANY (hereinafter “Petitioner”), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Adm. 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 in this proceeding for an additional 70 days, or until January 5, 2009. In support of this Notice, Petitioner states as follows:

1. On June 27, 2008, Petitioner filed a Petition for Review of the “Construction Permit Grant – Operating Permit Denial – NSPS Source” issued to Petitioner by the Illinois Environmental Protection Agency on May 23, 2008. The current statutory decision deadline for this matter is October 27, 2008.
2. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline for an additional 70 days, or until January 5, 2009, in order to conduct settlement negotiations in this matter.

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 for an additional 70 days for final action on Petitioner's appeal of the  
"Construction Permit Grant – Operating Permit Denial – NSPS Source" issued to it by  
the Illinois Environmental Protection Agency.

Respectfully submitted,

KCBX TERMINALS COMPANY  
Petitioner,

By: /s/ Katherine D. Hodge  
One of Its Attorneys

Dated: July 29, 2008

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

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CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 70 DAYS 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 July 29, 2008; and upon:

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

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 July 29, 2008.

/s/ Katherine D. Hodge  
Katherine D. Hodge