

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|---------------------------|---|-----------------------|
| VESUVIUS USA CORPORATION, |) | |
| |) | |
| Petitioner, |) | |
| |) | PCB 08-48 |
| v. |) | (Permit Appeal – Air) |
| |) | |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES Petitioner, VESUVIUS USA CORPORATION (hereinafter “Petitioner”), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Adm. Code § 101.308(c)(2), and thereby agrees to waive the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board (“Board”) in this proceeding until May 21, 2009.

In support of this Notice, Petitioner states as follows:

1. On March 3, 2008, Petitioner filed a Petition for Review of the Federally Enforceable State Operating Permit issued to Petitioner by the Illinois Environmental Protection Agency on January 28, 2008.
2. On March 24, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 90 Days, or until September 17, 2008.
3. On May 27, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 90 Days, or until December 3, 2008.
4. On July 24, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision. The current statutory decision deadline is February 19, 2009.
5. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline until May 21, 2009, in order to conduct settlement negotiations in this matter,

WHEREFORE, Petitioner, VESUVIUS USA CORPORATION, prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day decision deadline for final action on Petitioner's appeal of the Federally Enforceable State Operating Permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

VESUVIUS USA CORPORATION,
Petitioner,

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

Dated: November 19, 2008

Katherine D. Hodge
Lauren C. Lurkins
HODGE DWYER ZEMAN
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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 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 November 19, 2008; and upon:

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

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 November 19, 2008.

/s/ Katherine D. Hodge
Katherine D. Hodge