

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHN C. BLICKHAN,)	
)	
Petitioner,)	
)	
vs.)	Case No. PCB 08-59
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

TIME CERTAIN WAIVER OF STATUTORY DECISION DEADLINE

NOW COMES the Petitioner, JOHN C. BLICKHAN, pursuant to 35 Ill. Admin. Code §101.308(c)(2) and files his *Time Certain Waiver of Statutory Decision Deadline* to extend the current statutory deadline for a final Board decision in this 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 June 27, 2008, Petitioner timely filed its *Petition for Review* to appeal a February 22, 2008, determination of the Illinois Environmental Protection Agency (“IEPA” or “Agency”), which denied Petitioner’s application for completion of the post-closure care period for the closed Blickhan Landfill. The statutory deadline for filing the Petition had been extended by the Board’s Order entered March 28, 2008, pursuant to a stipulation and request of the Parties.
2. On July 10, 2008, the Board issued an Order accepting Petitioner’s *Petition for Review* for hearing and decision on the issues presented.
3. Petitioner and Respondent (collectively the “Parties”), have undertaken preliminary discussions to explore the possibility of settlement.

4. On August 19, 2008, technical and legal representatives for the Parties met to attempt to resolve the technical matters raised in this Appeal. At that time, an agreement was reached on the additional information and investigation through groundwater sampling that were considered necessary to answer certain technical questions about conditions at the Blickhan Landfill. Petitioner's environmental consultant has proceeded to assemble the requested information and undertake the additional groundwater investigations suggested by the Agency technical representatives. Petitioner anticipates submitting that information and the results of the agreed groundwater investigations in the next several weeks.

5. 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. To allow sufficient time for the parties to complete the technical discussions and reach the agreement necessary for informal resolution of this matter, Petitioner waives the current statutory decision deadline of February 24, 2009, and requests a 90-day extension to May 21, 2009, for the Board's decision in this proceeding.

Dated: November 21, 2008

Respectfully Submitted,

On behalf of JOHN C. BLICKHAN, Petitioner

By: Hinshaw & Culbertson LLP

/s/ Jon S. Faletto
One of Its Attorneys

HINSHAW & CULBERTSON LLP
416 Main St., 6th Floor
Peoria, IL 61602-1220
309-674-1025

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Petitioner,)	
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vs.)	Case No. PCB 2008-59
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

James G. Richardson, Asst. Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Thomas Davis, Asst. Attorney General
Chief, Environmental Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706

PLEASE TAKE NOTICE that I have today caused to be filed a *Time Certain Waiver of Statutory Decision Deadline* with the Illinois Pollution Control Board, copies of which are served upon you.

Dated: November 21, 2008

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: Hinshaw & Culbertson LLP

/s/ Jon S. Faletto
One of His Attorneys

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Peoria, IL 61602-3126
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309-674-9328 (fax)
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CERTIFICATE OF SERVICE

I hereby certify that I did on November 21, 2008, send by First Class U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the attached instrument entitled *Time Certain Waiver of Statutory Decision Deadline*, to:

Thomas Davis, Asst. Attorney General
Chief, Environmental Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706

James G. Richardson, Asst. Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s) to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Dated: November 21, 2008

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: Hinshaw & Culbertson LLP

/s/ Jon S. Faletto
One of His Attorneys