

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

TO: Mr. John T. Therriault	Carol Webb, Esq.
Assistant Clerk	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	1021 North Grand Avenue East
100 West Randolph, Suite 11-500	P.O. Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA US MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE**, directed to the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

VESUVIUS USA CORPORATION,
Petitioner,

Dated: April 14, 2009

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

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

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NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES Petitioner, VESUVIUS USA CORPORATION (hereinafter “Petitioner”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Admin. 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 (“Board”) in this proceeding until November 19, 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 Deadline until February 19, 2009.

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5. On November 19, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until May 21, 2009.

6. On February 5, 2009, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline until August 20, 2009, which is the current statutory deadline.

7. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline until November 19, 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,

Dated: April 14, 2009

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

Katherine D. Hodge
Lauren C. Lurkins
HODGE DWYER & DRIVER
3150 Roland Avenue
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VESU-003\Fil\Waiver of 120-Day Decision Deadline

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 April 14, 2009; and upon:

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office 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 April 14, 2009.

/s/ Katherine D. Hodge
Katherine D. Hodge