

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BUNGE-SCF GRAIN, LLC,

Petitioner,

v.

PCB No. 11-57
(Air Permit Appeal)

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

NOTICE OF FILING

TO: Mr. John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274
(VIA FIRST CLASS 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**, a copy of which is herewith served upon you.

Respectfully submitted,

BUNGE-SCF GRAIN, LLC,
Petitioner,

Dated: August 15, 2011

By: /s/ Lauren C. Lurkins
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

CERTIFICATE OF SERVICE

I, Lauren C. Lurkins, 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 August 15, 2011; and upon:

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

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

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on August 15, 2011.

Is/ Lauren C. Lurkins

Lauren C. Lurkins

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**NOTICE OF WAIVER OF
120-DAY DECISION DEADLINE**

NOW COMES Petitioner, BUNGE-SCF GRAIN, LLC ("SCF"), a Delaware Limited Liability Company, 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 in this proceeding until February 16, 2012. In support of this Notice, SCF states as follows:

1. On March 2, 2011, SCF filed a Petition for Review of the Construction Permit issued to it by the Illinois Environmental Protection Agency on January 27, 2011.
2. On March 18, 2011, SCF filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 40 Days, or until August 9, 2011.
3. On April 18, 2011, SCF filed a Notice of Waiver of 120-Day Decision Deadline until October 6, 2011.
4. On June 14, 2011, SCF filed a Notice of Waiver of 120-Day Decision Deadline until December 15, 2011.
5. The current statutory decision deadline is December 15, 2011.

6. SCF hereby voluntarily agrees to waive the statutory 120-day decision deadline until February 16, 2012, in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, BINGE-SCF GRAIN, LLC, prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day decision deadline for final action on BINGE-SCF GRAIN, LLC's appeal of the Construction Permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

BINGE-SCF GRAIN, LLC,
Petitioner,

By: Is/ Lauren C. Lurkins
One of Its Attorneys

Dated: August 15, 2011

Katherine D. Hodge
Lauren C. Lurkins
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