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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JAN 20 2004

STATE OF ILLINOIS
Pollution Control Board

COPY

BOARD OF TRUSTEES OF
EASTERN ILLINOIS UNIVERSITY,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 04-110

(CAAPP Permit Appeal)

NOTICE OF FILING

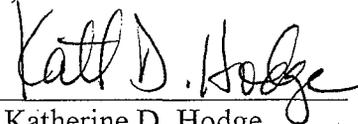
TO: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of a **NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE**, copies of which are hereby served upon you.

Respectfully submitted,

BOARD OF TRUSTEES OF
EASTERN ILLINOIS UNIVERSITY,
Petitioner,

By: 
Katherine D. Hodge

Dated: January 15, 2004

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

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, certify that I have served the attached

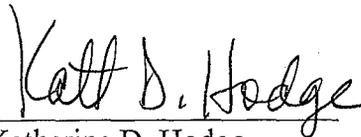
NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
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 January 15, 2004.



Katherine D. Hodge

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BOARD OF TRUSTEES OF)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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**STATE OF ILLINOIS
Pollution Control Board**

PCB 04-110
(CAAPP Permit Appeal)

NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES Petitioner, BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY (hereinafter "Eastern" or "Petitioner"), by its attorneys HODGE DWYER ZEMAN ("HDZ"), pursuant to 35 Ill. Admin. Code § 101.308(c)(1), and hereby agrees to an open waiver of the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board ("Board") in the above-referenced proceeding. In support of this Notice, the Petitioner states as follows:

1. On December 29, 2003, Petitioner filed a Petition for Review of the Clean Air Act Permit Program ("CAAPP") permit granted to Eastern by the Illinois Environmental Protection Agency ("Illinois EPA").
2. On January 8, 2004, the Board accepted this matter for hearing.
3. Petitioner and Respondent are currently involved in discussions that may lead to the resolution of all issues pending in this matter.
4. Petitioner hereby voluntarily agrees to an open waiver of the statutory 120-day decision deadline in order to conduct settlement negotiations in this matter.

5. Counsel for Respondent has been consulted and has no objection to the filing of this open waiver.

WHEREFORE, Petitioner, BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY, prays that the Illinois Pollution Control Board accepts this open waiver of the statutory 120-day decision deadline for final action on Petitioner's Petition for Review of the CAAPP permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY,
Petitioner,

By: Kath D. Hodge
Katherine D. Hodge

Dated: January 15, 2004

Katherine D. Hodge
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
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EILU:001/Fil/Open Waiver