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MAY 04 2005

U. S. MINERALS, LLC,

Petitioner,

VS.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 05-182
(Permit Appeal – Air)

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the *Waiver of Statutory Decision Deadline*, a copy of which is herewith served upon you.

Respectfully submitted,

U. S. MINERALS, LLC

By:

Jon S. Paletto, Attorney for Petitioner

Dated: May 2, 2005

Jon S. Faletto
Attorney for Petitioner
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, IL 61602-1350
(309) 672-1483

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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WAIVER OF STATUTORY DECISION DEADLINE

NOW COMES the Petitioner, U. S. MINERALS, LLC, pursuant to 35 Ill. Admin. Code §101.308(c)(2) and waives the current statutory deadline for the final Board decision in this permit appeal proceeding as specified in Section 40 of the Illinois Environmental Protection Act, 415 ILCS 5/40 (the “Act”). In support of its waiver, Petitioner states:

1. On April 6, 2005, U. S. Minerals filed a Petition for Review of the Illinois Environmental Protection Agency’s decision on March 2, 2005 to issue a final Lifetime Operating Permit with permit conditions and terms that were not acceptable to Petitioner. On April 21, 2005 the Board issued an Order accepting the Petition for hearing.

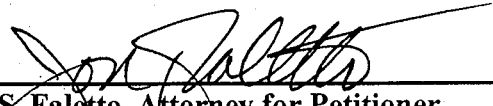
2. Petitioner and Respondent have undertaken discussions to explore the possibility of settlement. If this matter can be resolved by negotiation, the expenditure of time and resources associated with proceeding to hearing and final Board decision will be avoided.

THIS FILING IS SUBMITTED ON RECYCLED PAPER

3. To allow sufficient time for the parties to finalize settlement discussions, Petitioner waives the current statutory decision deadline of August 4, 2005 and requests a 90-day extension to November 2, 2005, for the Board's decision in this proceeding.

HOWARD & HOWARD ATTORNEYS, P.C.

By:



Jon S. Faletto, Attorney for Petitioner
U. S. MINERALS, LLC

Dated: May 2, 2005

Jon S. Faletto
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, IL 61602
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 2nd day of May, 2005, I have served the attached Waiver of Statutory Decision Deadline for the Board's decision, by depositing same via First Class, U.S. Mail, with proper postage prepaid, upon the following persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

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



Jon S. Faletto

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211 Fulton Street
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