

NOV 29 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

HARTFORD WORKING GROUP,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB No. 05-74
(Permit Appeal - Air)

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)

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)

(SEE PERSONS ON ATTACHED SERVICE LIST)

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,

HARTFORD WORKING GROUP
Petitioner,

By: Kath D. Hodge
One of Its Attorneys

Dated: November 24, 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:

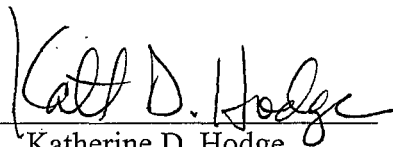
Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

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

by depositing said documents in the United States Mail, postage prepaid, in Springfield,

Illinois, on November 24, 2004.


Katherine D. Hodge

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

NOV 29 2004

STATE OF ILLINOIS
Pollution Control Board

HARTFORD WORKING GROUP,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 05-74

(Permit Appeal - Air)

NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES, Petitioner, HARTFORD WORKING GROUP (hereinafter "HWG"), by and through its attorneys, HODGE DWYER ZEMAN, 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 October 21, 2004, Petitioner filed a Petition for Review of the Joint Construction and Operating Permit granted to Petitioner by the Illinois Environmental Protection Agency on September 14, 2004. On October 21, 2004, Petitioner also filed a Motion to Stay Effectiveness of Special Condition 2.0 of the Joint Construction and Operating Permit. Pursuant to the Board's Order, dated November 4, 2004, the statutory decision deadline for this matter February 18, 2005.

2. On November 4, 2004, the Board accepted this matter for hearing.

3. On November 18, 2004, the Board granted HWG's motion to stay the effectiveness of Special Condition 2.0 until the Board takes final action in this appeal or until the Board orders otherwise.

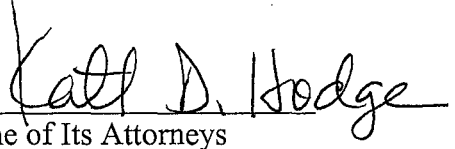
4. Petitioner hereby voluntarily agrees to an open waiver of the statutory 120-day decision deadline in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, HARTFORD WORKING GROUP, prays that the Illinois Pollution Control Board accept this open waiver of the statutory 120-day decision deadline for final action on Petitioner's Petition for Review of the Joint Construction and Operating Permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

HARTFORD WORKING GROUP
Petitioner,

By: _____


One of Its Attorneys

Dated: November 24, 2004

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

PREM:005/Fil/Open Waiver