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JUL 14 2005

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

KIBLER DEVELOPMENT CORPORATION and  
MARION RIDGE LANDFILL, INC.,

Petitioners,

v.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

STATE OF ILLINOIS  
Pollution Control Board

Case No. 2005-035  
Permit Appeal

**FIFTH WAIVER OF DECISION DEADLINE**

NOW COME Petitioners, KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC., through their undersigned attorney, and waive their right to a decision within 120 days of September 25, 2004, the date of filing of the Petition for Review for Permit Denial, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/40(a)(1), and extend the deadline for final Board action for an additional sixty (60) days from the current decision deadline, November 19, 2005 to January 18, 2006.

Respectfully submitted,

Kibler Development Corporation & Marion  
Ridge Landfill, Inc.,  
Petitioners,

By their attorney,

HEDINGER LAW OFFICE

By   
Stephen F. Hedinger

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2601 South Fifth St.  
Springfield, IL 62703  
(217) 523-2753 phone  
(217) 523-4366 fax

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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NOTICE OF FILING AND PROOF OF SERVICE

The undersigned certifies that an original and nine copies of the foregoing Fifth Waiver of Decision Deadline and of this Notice of Filing and Proof of Service, were served upon the Clerk of the Illinois Pollution Control Board, and one copy to each of the following parties of record and hearing officer in this cause by enclosing same in an envelope addressed to:

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

Francis X. Lyons  
Gardner Carton & Douglas LLP  
191 N. Wacker Drive, Suite 3700  
Chicago, IL 60606-1698

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East, P.O. Box 19274  
Springfield, IL 62796-9274

James Kropid  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Springfield, Illinois before 5:30 p.m. on the 7th day of July, 2005.

  
Stephen F. Hedinger

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