

ILLINOIS POLLUTION CONTROL BOARD

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AUG 25 2003

STATE OF ILLINOIS
Pollution Control Board

DEAN FOODS COMPANY,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 02-23

(Permit Appeal - Air)

NOTICE OF FILING

Please be advised that on August 20, 2003, a copy of the attached Waiver of Statutory


Decision Deadline were filed with the following persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Honorable Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Charles E. Matoesian
Assistant Counsel - Bureau of Air
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-927

Dated: August 20, 2003



Jon S. Faletto

Jon S. Faletto
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, IL 61602-1350
(309) 672-1483
(309) 672-1568 Fax

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

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WAIVER OF STATUTORY DECISION DEADLINE

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

1. On August 21, 2001, Dean Foods filed a Petition for Review of certain conditions contained in the Illinois Environmental Protection Agency's (“IEPA”) July 18, 2001 Lifetime Operating Permit. On September 6, 2001, the Board issued an Order accepting the Petition for hearing.

2. Petitioner and Respondent have reached a tentative agreement for settlement of this matter. 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.

3. To allow sufficient time for the parties to finalize their settlement discussions, Petitioner waives the current November 10, 2003 statutory decision deadline for ninety (90) days and requests an extension to March 9, 2004 for the Board's decision in this proceeding.



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CERTIFICATE OF SERVICE

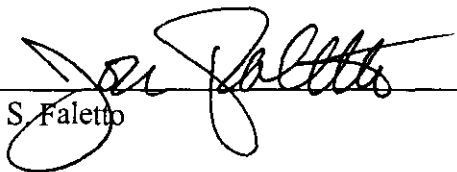
I, the undersigned, certify that I have served the attached Waiver of Statutory Decision Deadline for the Board's decision, by depositing same via First Class, U.S. Mail, with proper postage prepaid, upon the following persons:

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

Honorable Bradley J. Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
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