

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

JUL 05 2005

STATE OF ILLINOIS  
Pollution Control Board

U. S. MINERALS, LLC,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PCB 05-182

(Permit Appeal – Air)

**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 including certain revisions to the challenged terms and conditions of the Lifetime Operating Permit for the subject facility. 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 complete settlement negotiations and technical discussions regarding revisions to the Lifetime Operating Permit, Petitioner waives the current statutory decision deadline and requests an indefinite stay of the statutory decision date in this proceeding.

**HOWARD & HOWARD ATTORNEYS, P.C.**

By:

  
\_\_\_\_\_  
Jon S. Faletto, Attorney for Petitioner  
U.S. Minerals, LLC

Dated: June 29, 2005

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


**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

PCB 05-182  
(Permit Appeal – Air)

I, the undersigned, hereby certify that on this 29<sup>th</sup> day of June, 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

**Dennis E. Brown, Asst. Counsel**  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276

  
Jon S. Faletto

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

G:\F\Fairmoun\Stanblast\pldg\OpenWaiver 6-28-05.doc

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**