

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)
)
 Petitioner,)
)
 v.) PCB 07-112
) (Construction Permit Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

NOTICE OF FILING

TO: Mr. John Therriault Assistant Clerk of the Board
 Illinois Pollution Control Board
 100 West Randolph Street
 Suite 11-500
 Chicago, Illinois 60601
 (VIA ELECTRONIC MAIL)

Bradley P. Halloran, Esq.
 Hearing Officer
 Illinois Pollution Control Board
 100 West Randolph Street
 Suite 11-500
 Chicago, Illinois 60601
 (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 a **NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 60 DAYS**, a copy of which is herewith served upon you.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

Dated: February 8, 2008

By: /s/ Thomas G. Safley
Thomas G. Safley

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

THIS FILING SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, Thomas G. Safley, the undersigned, hereby certify that I have served the attached NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE FOR AN ADDITIONAL 60 DAYS upon:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on February 8, 2008; and upon:

Bradley P. Halloran, Esq.
Hearing Officer
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

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on February 8, 2008.

/s/ Thomas G. Safley

Thomas G. Safley

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|-----------------------------|---|------------------------------|
| LONE STAR INDUSTRIES, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | PCB 07-112 |
| |) | (Construction Permit Appeal) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

**NOTICE OF WAIVER OF 120-DAY
DECISION DEADLINE FOR AN ADDITIONAL 60 DAYS**

NOW COMES Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi Unicem USA (hereinafter "Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Admin. Code § 101.308(c)(2), and hereby agrees to waive the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board in this proceeding for an additional 60 days, or until July 8, 2008. In support of this Notice, Petitioner states as follows:

1. On May 15, 2007, Petitioner filed a Petition for Review of the construction permit issued to Petitioner by the Illinois Environmental Protection Agency on April 6, 2007.
2. On November 26, 2007, Petitioner filed its third Notice of Waiver of 120-Day Decision Deadline in this matter. Pursuant to that Notice of Waiver, the current statutory deadline for this matter is May 9, 2008.
3. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline for an additional 60 days, or until July 8, 2008, in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi Unicem USA, prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day decision deadline for an additional 60 days for final action on Petitioner's appeal of the construction permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

By: /s/ Thomas G. Safley
Thomas G. Safley

Dated: February 8, 2008

Katherine D. Hodge
Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
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LONE:001/Fil/PCB Filings 07-112/Notice of Waiver 4 PCB 07-112