BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VESUVIUS USA CORPORATION,)	
Petitioner,)	DGD 00 40
)	PCB 08-48
V.)	(Permit Appeal – Air)
)	
ILLINOIS ENVIRONMENTAL	Ś	
PROTECTION AGENCY,)	
)	
Respondent.	Ś	

NOTICE OF FILING

TO: Mr. John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
(VIA US MAIL)

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**, directed to the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

VESUVIUS USA CORPORATION, Petitioner,

Dated: November 19, 2008 By: /s/ Katherine D. Hodge
One of Its Attorneys

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

VESU:003/Fil/NOF - Waiver 04

THIS FILING SUBMITTED ON RECYCLED PAPER

Electronic Filing - Received, Clerk's Office, November 19, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VESUVIUS USA CORPORATION,)	
)	
Petitioner,)	
)	PCB 08-48
v.)	(Permit Appeal – Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES Petitioner, VESUVIUS USA CORPORATION (hereinafter "Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Adm. Code § 101.308(c)(2), and thereby agrees to waive the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board ("Board") in this proceeding until May 21, 2009. In support of this Notice, Petitioner states as follows:

- 1. On March 3, 2008, Petitioner filed a Petition for Review of the Federally Enforceable State Operating Permit issued to Petitioner by the Illinois Environmental Protection Agency on January 28, 2008.
- 2. On March 24, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 90 Days, or until September 17, 2008.
- 3. On May 27, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 90 Days, or until December 3, 2008.
- 4. On July 24, 2008, Petitioner filed a Notice of Waiver of 120-Day Decision. The current statutory decision deadline is February 19, 2009.
- 5. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline until May 21, 2009, in order to conduct settlement negotiations in this matter,

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WHEREFORE, Petitioner, VESUVIUS USA CORPORATION, prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day decision deadline for final action on Petitioner's appeal of the Federally Enforceable State Operating Permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

VESUVIUS USA CORPORATION, Petitioner,

By: /s/ Katherine D. Hodge
One of its Attorneys

Dated: November 19, 2008

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

VESU-003\Fil\Waiver of 120-Day Decision Deadline 04

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE upon:

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

via electronic mail on November 19, 2008; and upon:

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

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 November 19, 2008.

/s/ Katherine D. Hodge Katherine D. Hodge

VESU:003/Fil/COS - Waiver 04