

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHN C. BLICKHAN,)	
)	
Petitioner,)	
)	
vs.)	Case No. PCB 2008-59
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE

John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

James G. Richardson, Asst. Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Carol Webb
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Thomas Davis, Asst. Attorney General
Chief, Environmental Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706

PLEASE TAKE NOTICE that I have today caused to be electronically filed a *Time Certain Waiver of Statutory Decision Deadline* with the Illinois Pollution Control Board, copies of which are served upon you.

Dated: September 15, 2009

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

Jon S. Faletto
HINSHAW & CULBERTSON LLP
416 Main Street – 6th Floor
Peoria, IL 61602-3126
309-674-1025
309-674-9328 (fax)
jfaletto@hinshawlaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHN BLICKHAN,)	
Petitioner,)	
)	
vs.)	Case No. PCB 08-59
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

TIME CERTAIN WAIVER OF STATUTORY DECISION DEADLINE

NOW COMES the Petitioner, JOHN BLICKHAN, pursuant to 35 Ill. Admin. Code §101.308(c)(2) and files his *Time Certain Waiver of Statutory Decision Deadline* to extend the current statutory deadline for a final Board decision in this proceeding as specified in Section 40 of the Illinois Environmental Protection Act, 415 ILCS 5/40 (the "Act").

In support of its *Time Certain Waiver of Statutory Decision Deadline*, Petitioner states:

1. On June 27, 2008, Petitioner timely filed its *Petition for Review* to appeal a February 22, 2008, determination of the Illinois Environmental Protection Agency ("IEPA" or "Agency"), which denied Petitioner's application for completion of the post-closure care period for the closed Blickhan Landfill. The statutory deadline for filing the Petition had been extended by the Board's Order entered March 28, 2008, pursuant to a stipulation and request of the Parties.
2. On July 10, 2008, the Board issued an Order accepting Petitioner's *Petition for Review* for hearing and decision on the issues presented.
3. Petitioner and Respondent (collectively the "Parties"), have undertaken preliminary discussions to explore the possibility of settlement.
4. Technical and legal representatives for the Parties have met on several occasions to attempt to resolve the technical matters raised in this Appeal.

Electronic Filing - Received, Clerk's Office, September 15, 2009

5. As directed by Respondent's technical representatives, Petitioner's environmental consultant proceeded with additional groundwater monitoring to address technical questions and assembled historic sampling results and background information. The Parties are planning to meet to discuss that information and the results of the agreed additional groundwater investigations submitted to IEPA officials for their review and consideration. The meeting was tentatively planned for August 2009, but will need to be rescheduled for some time during the next several weeks.

6. If this matter can be resolved by settlement, the expenditure of time and resources associated with proceeding to hearing and final Board decision will be avoided. To allow sufficient time for the Parties to meet to discuss the additional information provided by Petitioner and attempt to reach agreement allowing informal resolution of this matter, Petitioner waives the current statutory decision deadline of December 31, 2009, and requests an extension to March 18, 2010, for the Board's decision in this proceeding.

Dated: September 15, 2009

Respectfully Submitted,

On behalf of JOHN C. BLICKHAN, Petitioner

By:

A handwritten signature in black ink, appearing to read "Jon S. Faletto", written over a horizontal line.

Jon S. Faletto
Hinshaw & Culbertson LLP
416 Main St., 6th Floor
Peoria, IL 61602-1220
309-674-1025

CERTIFICATE OF SERVICE

I hereby certify that I did on September 15, 2009, electronically file a true and correct copy of the attached instrument entitled *Time Certain Waiver of Statutory Decision Deadline*, and served the following by depositing a copy in the U.S. mail addressed as follows:

Thomas Davis, Asst. Attorney General
Chief, Environmental Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706


James G. Richardson, Asst. Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Carol Webb
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Dated: September 15, 2009

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

Jon S. Faletto
HINSHAW & CULBERTSON LLP
416 Main Street – 6th Floor
Peoria, IL 61602-3126
309-674-1025
309-674-9328 (fax)
jfaletto@hinshawlaw.com