BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

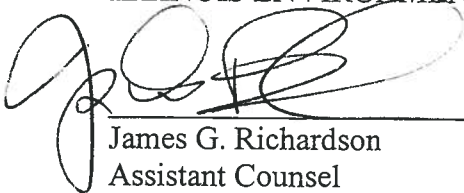|		
CATHERINE THOMAS, d/b/a THOMAS 12th STREET DISPOSAL, Petitioner, v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)))))))))))	PCB 10- 85 (Permit Appeal – Land) (Ninety Day Extension)

NOTICE

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

David K. Cox
Cox Law Office
112 West Washington Street
Monticello, Illinois 61856

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

James G. Richardson
Assistant Counsel

Dated: April 19, 2010
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CATHERINE THOMAS,   )
d/b/a THOMAS 12th STREET DISPOSAL,)
    Petitioner,   )
)
              v.   ) PCB No. 10-85
) (Permit Appeal – Land)
) (Ninety Day Extension)
ILLINOIS ENVIRONMENTAL   )
PROTECTION AGENCY,   )
    Respondent.   )

REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, James G. Richardson, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board ("Board") grant an extension of the thirty-five (35) day period for petitioning for a hearing to August 4, 2010, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:
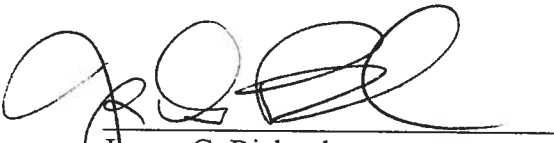
1.   On March 24, 2010, the Illinois EPA issued a final decision to the Petitioner.

2.   On April 13, 2010, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on April 1, 2010.

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3.   The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

James G. Richardson
Assistant Counsel

Dated: April 19, 2010

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR   DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

March 24, 2010   Certified Mail
                                                  7004 2510 0001 8625 5301

Thomas 12th Street Disposal
Attn: Catherine Thomas
55 Greenwood Cemetary Road
Danville, Illinois 61832

Re: 1838040009 -- Vermilion County
        Thomas 12th St Disposal
        Log No. 2009-595
        Permit Landfill 807 File
        Permit Denial

Dear Mrs. Thomas:

This will acknowledge receipt of your Application for Permit to modify a solid waste
management site, dated and received by the Illinois EPA on December 30, 2009.

Your permit application to release financial assurance funds is denied.

You have failed to provide proof that granting this permit would not result in violations of the
Illinois Environmental Protection Act (Act). Section 39(a) of the Act [415 ILCS 5/39(a)]
requires the Illinois EPA to provide the applicant with specific reasons for the denial of permit.
The following reason(s) are given:

1.   The facility is still in post-closure care. Therefore, release of the financial assurance
        funds would violate Section 21.1(a) of the Act and 35 Ill. Adm. Code Sections 807.600
        and 807.601.

Within 35 days after the date of mailing of the Illinois EPA's final decision, the applicant may
petition for a hearing before the Illinois Pollution Control Board to contest the decision of the
Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a
period of time not to exceed 90 days by written notice provided to the Board from the applicant
and the Illinois EPA within the 35-day initial appeal period.

Rockford • 4302 N. Main St., Rockford, IL 61103 – (815) 987-7760   Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000
Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131   Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463
Bureau of Land – Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462   Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800
Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120   Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200
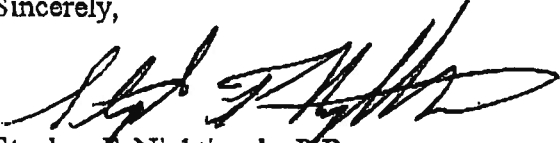
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Should you wish to reapply or have any questions regarding this application, please contact Tom Hubbard at 217/524-3286.

Sincerely,

Stephen F. Nightingale, P.E.
Manager, Permit Section
Bureau of Land

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TWH CJL

cc: Doug Mauntel, P.E., Andrews Engineering
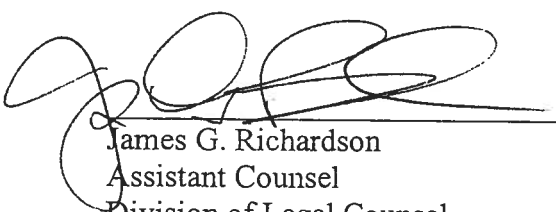Stephen Laker, Vermilion County Health Dept.

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 19, 2010 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

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

David K. Cox
Cox Law Office
112 West Washington Street
Monticello, Illinois 61856

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

James G. Richardson
Assistant Counsel
Division of Legal Counsel
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Springfield, Illinois 62794-9276
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