

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 20 2011

STATE OF ILLINOIS
Pollution Control Board

JOHN C. BLICKHAN,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

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Case No. PCB 2008-59
(Permit Appeal - Land)

ORIGINAL

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 filed a *Time Certain Waiver of Statutory Decision Deadline* with the Illinois Pollution Control Board, copies of which are served upon you.

Dated: July 15, 2011

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

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JOHN BLICKHAN,)
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PROTECTION AGENCY,)
Respondent.)

Case No. PCB 08-59
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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.

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

1. 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.

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. Technical and legal representatives for the Parties have met on several occasions to attempt to resolve the technical matters raised in this Appeal.

4. At the last technical meeting, the Parties outlined terms of a tentative settlement involving additional groundwater sampling and analysis to address questions raised by the

Agency. The agreed-upon groundwater sampling was completed in furtherance of the tentative settlement agreement, but the analytical results of the split sampling was not consistent.

5. The Parties have tentatively planned a meeting of the technical representatives to determine the appropriate course of action to resolve the Agency's concerns. The date and time for the meeting have not been set.

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 conflicting analytical results of the recent groundwater sampling and possibly identify an alternative avenue for resolution, Petitioner waives the current statutory decision deadline of October 31, 2011, and requests an extension to December 31, 2011, for the Board's decision in this proceeding.

Dated: July 15, 2011

Respectfully Submitted,

On behalf of JOHN C. BLICKHAN, Petitioner

By:  _____

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 July 15, 2011, 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
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Hearing Officer
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STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

Dated: July 15, 2011

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: 

Jon S. Faletto
HINSHAW & CULBERTSON LLP
416 Main Street – 6th Floor
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HINSHAW

& CULBERTSON LLP

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STATE OF ILLINOIS
Pollution Control Board

ATTORNEYS AT LAW

416 Main Street
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Peoria, IL 61602-3126

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July 15, 2011

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

**Re: John C. Blickhan v. IEPA
PCB No. 08-59**

ORIGINAL

Dear Mr. Therriault:

On behalf of the Petitioner, John Blickhan, we are enclosing for filing an original and ten (10) copies of our *Notice, Time Certain Waiver of Statutory Decision Deadline, and Certificate of Service*. Please return one file-stamped copy of each document to us in the postage-paid, self-addressed envelope enclosed for your convenience.

Please do not hesitate to contact the undersigned for any questions or comments.

Very truly yours,

HINSHAW & CULBERTSON LLP


Jon S. Faletto
jfaletto@hinshawlaw.com

Enclosures