

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

DEC 06 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

FRANK BENCIE,

Respondent.

AC 04-77

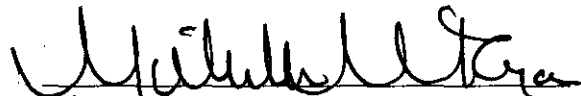
(IEPA No. 265-04-AC)

**NOTICE OF FILING**

To: Frank Bencie  
10220 Bencie Lane  
West Frankfort, Illinois 62896

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled APPEARANCE and MOTION TO FILE INSTANTER.

Respectfully submitted,



Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Dated: November 21, 2005

THIS FILING SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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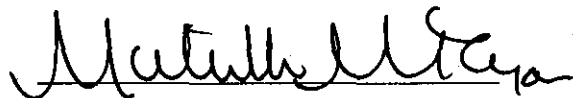
AC 04-77

(IEPA No. 265-04-AC)

ENTRY OF APPEARANCE

The undersigned hereby enters her appearance in the above-captioned matter as  
counsel for the Illinois Environmental Protection Agency.

Respectfully submitted,



Michelle M. Ryan

Special Assistant Attorney General

DATED: November 21, 2005

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62702-4059  
(217) 782-5544

**RECEIVED**  
**CLERK'S OFFICE**

DEC 06 2005

**STATE OF ILLINOIS**  
**Pollution Control Board**

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documents were inadvertently left on the undersigned attorney's desk in Springfield when she traveled to Franklin County for the hearing.

(5) No specific timeframe is set forth in the Board's rules for the filing of a written appearance, although the undersigned attorney has previously filed written appearances at or prior to hearing.

(6) Pursuant to 35 Ill. Adm. Code 101.522, the Board may allow for an extension of time for filing any document either before or after the due date.

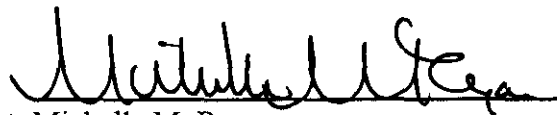
(7) Respondent did not object at hearing to the lack of a formal written appearance.

(8) No prejudice will result by granting this motion, as the Hearing Officer and Respondent were kept informed of the assigned attorney at all times, and this case does not contain a statutory decision deadline.

WHEREFORE, Illinois EPA requests that the Board grant this Motion to File Instantly and accept the undersigned attorney's appearance as timely filed.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant

DATED: November 21, 2005



Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

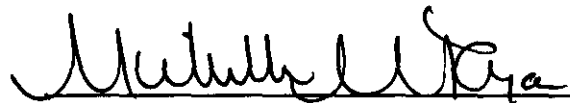
## PROOF OF SERVICE

I hereby certify that I did on the 21<sup>st</sup> day of November, 2005, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled APPEARANCE and MOTION TO FILE INSTANTER

To: Frank Bencie 10220 Bencie Lane West Frankfort, Illinois 62896	Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, Illinois 62794-9274
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and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail with postage thereon fully prepaid

To: Dorothy Gunn, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601



Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

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