

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HIGHLAND BAKING COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 10-32
)	(CAAPP Permit Appeal-Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF SERVICE

TO: John T. Therriault, Assistant Clerk Illinois Pollution Control Board 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601	Joseph R. Podlewski, Jr. Heidi E. Hanson Podlewski & Hanson P.C. 4721 Franklin Ave., suite 1500 Western Springs, Illinois 60558
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PLEASE TAKE NOTICE that today I have caused to be filed with the Illinois Pollution Control Board a RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE AGENCY RECORD, a copy of which is served upon you.

Respectfully submitted,



Nancy J. Tikalsky
Assistant Attorney General

Office of the Illinois Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-8567

Date: December 15, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HIGHLAND BAKING COMPANY,)	
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Petitioner,)	
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v.)	PCB 10-32
)	(CAAPP Permit Appeal-Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
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MOTION FOR EXTENSION OF TIME TO FILE AGENCY RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA" or "Agency"), through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, and Assistant Attorney General Nancy J. Tikalsky, her duly appointed assistant, respectfully moves the Illinois Pollution Control Board ("Board"), pursuant to 35 Ill. Adm. Code 101.500(d), to extend the time for filing the Agency record. In support thereof, the Illinois EPA states as follows:

1. On October 2, 2009, the Illinois EPA issued to Highland Baking Company ("Petitioner") a final Construction permit that contained, among other things, a limitation and special condition on emissions of volatile organic material ("VOM") for newly constructed deck oven, tunnel oven, rack oven and a catalytic oxidizer to control both the new tunnel oven and its three existing tunnel ovens.

2. On November 10, 2009, the Petitioner filed with the Board a petition for review of the limitation and condition relative to temperature limits for its catalytic oxidizer, special conditions for control emissions on its new deck oven, rack oven and tunnel oven and recordkeeping requirements contained in the Construction permit ("Petition for Review").

3. In an order entered November 19, 2009, the Board required the Illinois EPA to file the entire record of its determination within 30 days after it is served with the petition. See 35 Ill. Adm. Code 105.302(f). The Board further ordered: "If the Agency wishes to seek additional time to file the record, it must file a request for extension before the date on which the record is due to be filed." Respondent acknowledges that the deadline to respond to Petitioner's Motion has elapsed, but respectfully submits that good cause exists for granting this motion.

4. On November 10, 2009, the Illinois EPA's Division of Legal Counsel received service of the Petition for Review. On December 8, 2009, the Illinois EPA notified this Office of this proceeding and requested that the Illinois Attorney General's Office ("AGO") appoint one of Illinois EPA's attorneys as a Special Assistant Attorney General to handle this case. In the alternative, the Illinois EPA requested that the AGO represent the Illinois EPA in this proceeding.

5. The administrative record was due to be filed on December 10, 2009.

6. The AGO was provided a copy of Petitioner's Motion to Stay the Effectiveness of Contested Permit Conditions as well as the Petition on December 8, 2009.

7. The representational issue was recently resolved and the AGO informed the Illinois EPA on December 9, 2009 that the AGO would be handling this appeal.

8. On December 14, 2009, Assistant Attorneys General Nancy J. Tikalsky and Rebecca Burlingham were assigned to this matter.

9. On December 15, 2009, Assistant Attorneys General Nancy J. Tikalsky and Rebecca Burlingham filed their appearances as counsel for the Illinois EPA.

10. The AGO is extremely mindful of the Board's desire to manage its docket and timely adjudicate its appeals pending before it. However, due to having received Petitioner's Motion on December 8, 2009, and appointing Assistant Attorneys General to represent the Agency on December 14, 2009, additional time is needed. Additionally, the Petitioner will not be prejudiced by the granting of additional time to respond.

WHEREFORE, the Illinois EPA respectfully requests the Board to extend the time for filing the Agency record with the Board for an additional 90 days.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By:



Nancy J. Wikalsky
Assistant Attorney General

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Environmental Bureau
69 West Washington Street, Suite 1800
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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on December 15, 2009, I served true and correct copies of a MOTION FOR EXTENSION OF TIME TO FILE AGENCY RECORD upon the persons and by the methods as follows:

[Electronic filing]

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

[First Class U.S. Mail]

Joseph R. Podlewski, Jr.
Heidi E. Hanson
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