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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,) PCB AC 03-13
v.) (Administrative Citation)
DAN CADWALLADER,)
Respondent.)

NOTICE

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


John Grivetti
Grivetti Law Office
Box 251
Wenona, IL 61377

Carol Sudman, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board an APPEARANCE and MOTION FOR EXTENSION OF TIME TO FILE COMPLAINANT'S BRIEF, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Complainant


John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: December 5, 2003

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APPEARANCE

The undersigned, as one of its attorneys, hereby enters his Appearance on behalf of the Complainant, the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Complainant



John J. Kim
Assistant Counsel
Special Assistant Attorney General
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Complainant,)	PCB AC 03-13
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Respondent.)	

MOTION FOR EXTENSION OF TIME TO FILE COMPLAINANT'S BRIEF

NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.500 and 101.522, hereby requests that the assigned Hearing Officer or the Illinois Pollution Control Board ("Board") grant the Illinois EPA an extension of time within which to file the Complainant's Brief. In support of this motion, the Illinois EPA states as follows:

1. On October 29, 2003, a hearing was held in this matter during which testimony was taken from witnesses for the Complainant and the Respondent. At the conclusion of the hearing, the Hearing Officer ordered that, pursuant to an agreed upon schedule between the parties, the Complainant's brief is due on December 9, 2003, and the Respondent's brief is due on January 6, 2004. The Complainant's reply brief, if any, is due January 13, 2004.
2. Special Assistant Attorney General Michelle Ryan has represented the Complainant in this matter, including during the hearing.
3. Ms. Ryan will be out of the office for an unspecified period of time due to an illness.
4. In order for the Complainant to either reassign this matter or allow Ms. Ryan time to return to her duties, the Complainant is requesting a two-week extension of time on its brief.

5. The Complainant is further asking that all other due dates set forth by the Hearing Officer during the hearing be extended for an equal period of time of two weeks.

6. There should be no prejudice to the Respondent considering the short period of time sought in this motion.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Hearing Officer or the Board grant the Illinois EPA a two-week extension of time to file the Complainant's Brief. The Illinois EPA further asks that all other due dates for post-hearing briefs be extended for an equal period of time.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Complainant,



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544, 217/782-9143 (TDD)
Dated: December 5, 2003

This filing submitted on recycled paper.

CERTIFICATE OF SERVICE


I, the undersigned attorney at law, hereby certify that on December 5, 2003, I served true and correct copies of an APPEARANCE and MOTION FOR EXTENSION OF TIME TO FILE COMPLAINANT'S BRIEF, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

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

John Grivetti
Grivetti Law Office
Box 251
Wenona, IL 61377

Carol Sudman, Hearing Officer
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


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