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AUG 17 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
)  
PETITION OF JO'LYN CORPORATION )  
and FALCON WASTE AND RECYCLING ) AS 04-02  
for an ADJUSTED STANDARD from ) (Adjusted Standard – Land)  
35 ILL. ADM. CODE PART 807 or, )  
in the alternative, A FINDING OF )  
INAPPLICABILITY. )

NOTICE

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

Bradley P. Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Elizabeth S. Harvey  
Swanson, Martin & Bell  
One IBM Plaza, Suite 3300  
330 North Wabash Avenue  
Chicago, IL 60611

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 RECOMMENDATION, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



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: August 13, 2004

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APPEARANCE

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

  
\_\_\_\_\_  
John J. Kim  
Assistant Counsel  
Special Assistant Attorney General  
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**BEFORE THE POLLUTION CONTROL BOARD  
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**MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION**

NOW COMES 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, 101.522 and 104.416, hereby requests that the Illinois Pollution Control Board ("Board") grant the Illinois EPA an extension of time within which to file a recommendation in response to the petition filed by Jo'Lyn Corporation and Falcon Waste and Recycling ("Petitioners"). In support of this motion, the Illinois EPA states as follows:

1. The Petitioners filed a petition for adjusted standard with the Board on April 21, 2004. On May 20, 2004, the Board entered an order requiring the Petitioners to file an amended petition, addressing certain deficiencies identified by the Board. The order also required the Illinois EPA to file its recommendation to the amended petition within 30 days of the filing of the amended petition. Section 104.416(a) of the Board's procedural rules (35 Ill. Adm. Code 104.416(a)) generally allows the Illinois EPA 45 days from the filing of an adjusted standard petition to file its recommendation, unless otherwise ordered by the Board or the Hearing Officer.

2. On July 8, 2004, the Petitioners filed an amended petition with the Board. On July 14, 2004, the Petitioners filed a supplement to the amended petition. The Illinois EPA

believes that, pursuant to Section 104.416(a) of the Board's procedural rules and the May 20, 2004 Board order, the Illinois EPA has 30 days from the filing of the supplement to the amended petition to file its recommendation.

3. The 30<sup>th</sup> day from the date of filing the supplement to the amended petition is August 13, 2004, or the date of this motion. The undersigned counsel for the Illinois EPA has several pleadings due in an unrelated Board matter also on this date, and this other deadline will prevent the timely filing of a recommendation in the present case.

4. The Illinois EPA is therefore asking for a short extension of time, until August 18, 2004, by which to file its recommendation. This additional time will allow for the preparation of a recommendation that satisfies all Board requirements and still facilitate an expedited review. Even with the requested extension, the recommendation would be filed well before the normal time allowed for the filing of a recommendation.

5. The Petitioners should not be prejudiced by this short delay, since only three business days will elapse between the original due date and the extension date.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Board grant the Illinois EPA an extension of time to file its recommendation to August 18, 2004.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent



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  
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Dated: August 13, 2004

## CERTIFICATE OF SERVICE


I, the undersigned attorney at law, hereby certify that on August 13, 2004, I served true and correct copies of an APPEARANCE and MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION, 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

Bradley P. Halloran, Hearing Officer  
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