

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUL 06 2005

PAUL JOHNSON, INC.,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY and CITY OF
WATERMAN, ILLINOIS,

Respondents.

PCB No. 05-109

(Water Well Setback Exception)

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Tom Difasio
Director of Public Works
Village of Waterman

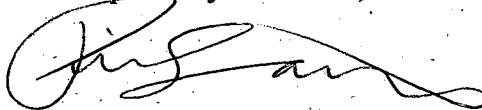
Kevin E. Buick
Counsel for Village of Waterman
Cliff, Foster, Corneille & Buick

Lynn Dunaway
Charles Gunnarson
Illinois Environmental Protection Agency
Public Water Supplies - Field Operation Headquarters

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **Petitioner's Motion to File Certificate of Acceptance Instantly and Certificate of Acceptance**, copies of which are herewith served upon you.

Respectfully submitted,



BAKER & MCKENZIE

July 6, 2005
Richard M. Saines
BAKER & MCKENZIE
130 East Randolph Drive, Suite 3500
Chicago, Illinois 60601
(312) 861-8000

THIS FILING IS SUBMITTED ON RECYCLED PAPER

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 06 2005

PAUL JOHNSON, INC.,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY and CITY OF
WATERMAN, ILLINOIS,

Respondents.

STATE OF ILLINOIS
Pollution Control Board

PCB No. 05-109
(Water Well Setback Exception)

MOTION TO FILE CERTIFICATE OF ACCEPTANCE INSTANTER

Paul Johnson Inc. by its attorneys Baker & McKenzie hereby files its Motion to File Certificate of Acceptance Instanter and in support thereof states as follows:

1. On May 19, 2005 the Board issued an Order granting Paul Johnson Inc.'s petition for an exception from Section 14.2 of the Illinois Environmental Protection Act;
2. Paul Johnson Inc. has signed the Certificate of Acceptance of that Order and intends to file it with the Board as required by the Board's procedural rules;
3. The 45th day for filing the Certificate of Acceptance was July 5, 2005;
4. Paul Johnson Inc. requests the Board's approval to file instanter the attached Certificate of Acceptance, as reflected in this Motion.

WHEREFORE, Paul Johnson Inc. respectfully requests that the Board grant this Motion and accept its Certificate of Acceptance.

Respectfully submitted,



BAKER & MCKENZIE

July 6, 2005
Richard M. Saines
BAKER & MCKENZIE
130 East Randolph Drive, Suite 3500
Chicago, Illinois 60601
(312) 861-8000

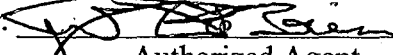
Charles W. Gunnarson
 Division of Legal Counsel
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

The certificate must be signed by an officer of PJI authorized to bind PJI to all of the terms and conditions of the final Board order in this matter. The form of the certificate follows:

CERTIFICATE OF ACCEPTANCE

I (We), John H. Boies, having read the opinion and order of the Illinois Pollution Control Board in docket PCB 05-109, dated May 19, 2005, understand and accept the opinion and order, realizing that this acceptance renders all terms and conditions of the water well setback exception set forth in that order binding and enforceable.

Petitioner: PAUL JOHNSON, INC.

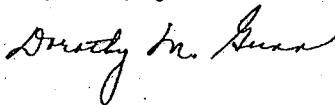
By: 
 Authorized Agent

Title: President, Paul Johnson, Inc.

Date: June 30, 2005.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 19, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

CERTIFICATE OF SERVICE

I, Richard M. Saines, certify that on July 6, 2005, the attached **Petitioner's Motion to File Certificate of Acceptance Instantner** and **Certificate of Acceptance** was served, by first-class mail, upon the following persons:

Tom Difasio
Director of Public Works
Village of Waterman
215 Adams Street
Waterman, IL, 60556
(815) 264-3652

Kevin E. Buick
Cliff, Foster, Corneille & Buick
331 West State Street
Sycamore, IL 60178
(815) 264-3340

Lynn Dunaway
Charles Gunnarson
Illinois Environmental Protection Agency
Public Water Supplies - Field Operation Headquarters
1021 North Grand Ave., East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-1020

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
(312) 814-8917



BAKER & MCKENZIE