

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

JUL 28 2005

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PETITION OF WASTE MANAGEMENT OF)
ILLINOIS, INC., FOR AN ADJUSTED)
STANDARD FROM 35 ILL. ADM. CODE 721)
AND FOR RCRA DELISTING UNDER)
35 ILL. ADM. CODE 720.122 FOR TREATMENT)
RESIDUAL OF CID RECYCLING AND)
DISPOSAL FACILITY BIOLOGICAL LIQUID)
TREATMENT CENTER)

AS 05-07
(Adjusted Standard – Land)

NOTICE

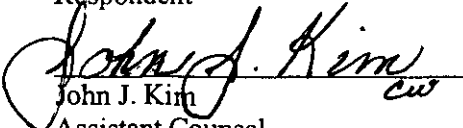
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Donald J. Moran
Pedersen & Houpt
161 North Clark Street
Suite 3100
Chicago, IL 60601

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


John J. Kim *ew*

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: July 25, 2005

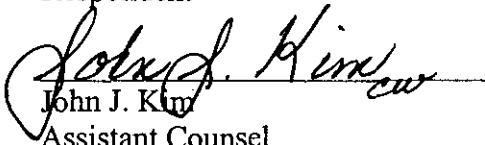
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 25, 2005, I served true and correct copies of a MOTION FOR LEAVE TO FILE INSTANTER and RESPONSE 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

Donald J. Moran
Pedersen & Houpt
161 North Clark Street
Suite 3100
Chicago, IL 60601

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
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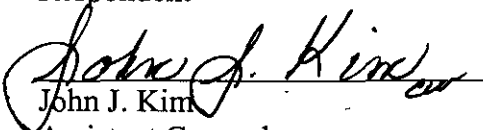
AS 05-07
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APPEARANCE

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
Division of Legal Counsel
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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 Waste Management of Illinois, Inc. (“WMII”) (“Petitioner”). In support of this motion, the Illinois EPA states as follows:

1. The Petitioner filed a petition for adjusted standard with the Board on June 9, 2005. Section 104.416(a) of the Board’s procedural rules (35 Ill. Adm. Code 104.416(a)) requires that the Illinois EPA file its recommendation within 45 days from the filing of an adjusted standard petition. The 45th day from the date of filing was July 24, 2005, a Sunday. The recommendation is therefore due on next business day, or July 25, 2005.

2. The Illinois EPA is seeking a short extension of time by which to file its recommendation. The Illinois EPA’s review was delayed due to discussion between the Illinois EPA and the Petitioner regarding the additional document incorporated by the Petitioner in its petition. The petition incorporated, but did not include a copy of, the document. Following

discussion between the Illinois EPA and the Petitioner, the Petitioner provided the Illinois EPA with a copy of the document to assist in its review of the petition. A document of the same name had been previously provided to the Illinois EPA as part of a previous filing, but the Illinois EPA's technical staff preferred to receive a copy of exactly what the Petitioner was referring to in the present petition. The Petitioner promptly provided the Illinois EPA with a copy upon request.

3. This short delay however, in conjunction with both counsel and the assigned technical reviewer for the Illinois EPA being out of the office on July 25, 2005, forms the basis for the Illinois EPA's request for an extension of time.


4. The Illinois EPA is therefore asking for a short extension of time, until July 29, 2005, by which to file its recommendation. This additional time will allow for the preparation of a recommendation that satisfies all Board requirements and still allow for the expedited review requested by the Petitioner (and not objected to by the Illinois EPA).

5. The Petitioners should not be prejudiced by this short delay, since only four 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 July 29, 2005.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


John J. Kim

Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
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This filing submitted on recycled paper.