

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PARTYLITE WORLDWIDE, INC.,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)
)

08-32
 PCB No. 07-
 (Air-Permit Appeal)

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 STATE OF ILLINOIS
 Pollution Control Board

NOTICE OF FILING

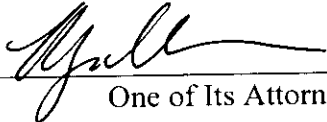
TO: See attached service list.

PLEASE TAKE NOTICE that on November 2, 2007, we filed with the Illinois Pollution Control Board an original and nine (9) copies of Appearances of Eric E. Boyd and Meagan Newman and Petition for Hearing, pursuant to 415 ILCS 5/40.2(a), in the above-referenced matter on behalf of PartyLite Worldwide, Inc., a copy of which is hereby served upon you.

DATED: November 2, 2007

Respectfully submitted,

PARTYLITE WORLDWIDE, INC.

By  _____
 One of Its Attorneys

Eric E. Boyd
 Meagan Newman
 SEYFARTH SHAW LLP
 131 South Dearborn Street
 Suite 2400
 Chicago, Illinois 60603
 (312) 460-5000

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STATE OF ILLINOIS
Pollution Control Board

PARTYLITE WORLDWIDE, INC.,)
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PETITION FOR HEARING

COME NOW, Petitioner PartyLite Worldwide, Inc. ("PartyLite"), by and through its attorneys, SEYFARTH SHAW LLP, pursuant to Section 40.2(a) of the Illinois Environmental Protection Act, 415 ILCS 5/40.2(a) (the "Act") and Section 105.304 of the Illinois Administrative Code, 35 Ill. Adm. Code § 105.304, and petitions the Board for review of the Illinois Environmental Protection Agency's (the "Agency") failure to act on PartyLite's CAAPP application. In support thereof, PartyLite states as follows:

1. Pursuant to Section 504 of the Clean Air Act, 42 USC § 7661b(e), and Section 39.5 of the Act, PartyLite submitted an application for an initial FESOP on a CAAPP application form to the Agency for its candlemaking facility located at 601 Kingsland Drive, Batavia, Illinois on September 28, 2005.

2. On or about November 3, 2005 the Agency sent a notice to PartyLite informing PartyLite that its CAAPP application was complete pursuant to Section 39.5 of the Act. (See attached CAAPP Application Completeness Determination and Source Fee Determination).

3. Pursuant to 415 ILCS 5/39.5(5)(j), the Agency shall act on initial CAAPP applications within two (2) years after the date of a completed application. The two (2) year time period for Agency action begins to run from the date that a complete application was submitted.

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4. As of the date of this Petition, the Agency has failed to take any action on PartyLite's initial CAAPP application.

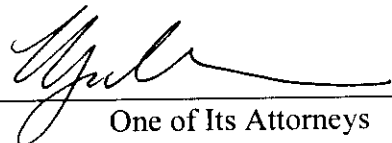
5. If the agency fails to act within two (2) years, its failure to act is treated as a final permit action for purposes of judicial review pursuant to Sections 40.2 and 41 of the Act. 415 ILCS 5/39.5(5)(j). PartyLite, therefore, files this Petition for Hearing, pursuant to Section 40.2(a) of the Act and Section 105.304 of the Illinois Administrative Code, 35 Ill. Adm. Code § 105.304.

WHEREFORE, PartyLite petitions the Board for a hearing on the Illinois Environmental Protection Agency's failure to take action on PartyLite's application for a CAAPP permit.

DATED: November 2, 2007

Respectfully submitted,

PARTYLITE WORLDWIDE, INC.

By  _____
One of Its Attorneys

Eric E. Boyd
Meagan Newman
SEYFARTH SHAW LLP
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603
(312) 460-5000

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19506, SPRINGFIELD, ILLINOIS 62794-0506 - (217) 782-2113

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/785-5151

CAAPP APPLICATION COMPLETENESS DETERMINATION AND SOURCE FEE DETERMINATION

APPLICANT

Party Lite
Attn: Paul Birch
601 Kingsland Drive
Batavia, Illinois 60510

Date of Determination: November 3, 2005
Application/Permit No.: 05090062
I.D. Number: 089413AAM
Date Received: September 28, 2005
Source Name: Party Lite
Location of Source: 601 Kingsland Drive, Batavia

Dear Mr. Birch:

This letter provides notification that your Clean Air Act Permit Program (CAAPP) application received on the date indicated above, has been determined by the Agency to be complete pursuant to Section 39.5(5) of the Illinois Environmental Protection Act (Act).

As provided in Section 39.5(18) of the Act, a CAAPP source shall pay a fee. Attached is the annual fee bill for this CAAPP source as determined from information included in your application, on form 292-CAAPP - FEE DETERMINATION FOR CAAPP PERMIT. Payment of the fee is due within 45 days of the billing date indicated on the billing statement.

Notwithstanding the completeness determination, the Agency may request additional information necessary to evaluate or take final action on the CAAPP application. If such additional information affects your allowable emission limits, a revised form 292-CAAPP-FEE DETERMINATION FOR CAAPP PERMIT must be submitted with the requested information. The failure to submit to the Agency the requested information within the time frame specified by the Agency, may force the Agency to deny your CAAPP application pursuant to Section 39.5 of the Act.

If you have any questions regarding this matter, please contact the Division of Air Pollution Control Permit Section at 217/785-5151.

Sincerely,

Donald E. Sutton, P.E. (handwritten signature)

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:YMC:psj

Enclosure(s)

cc: FOS, Region 1
Application File
Compliance & Systems Management Section

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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

ORIGINAL

CERTIFICATE OF SERVICE

I, Meagan Newman, hereby certify that I caused copies of the attached **FILING, APPEARANCES OF ERIC E. BOYD and MEAGAN NEWMAN and PETITION FOR HEARING** to be served on:

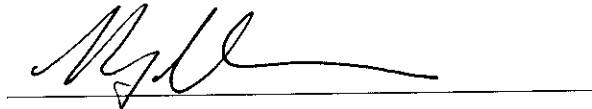
SERVICE LIST

Ms. Dorothy Gunn
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601
(Via Hand Delivery)

Julie Armitage
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794

Maureen Wozniak
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794

by United States Mail, first-class postage affixed thereto, at 131 S. Dearborn Street, Chicago, Illinois 60603, first class postage prepaid on November 2, 2007.



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