

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

KRAMER TREE SPECIALISTS, INC.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	PCB 12-51
	)	(Land Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE**

William D. Ingersoll  
Deputy General Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

John Therriault  
Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

PLEASE TAKE NOTICE that on October 6, 2011 I have caused to be filed the RESPONSE TO OBJECTION TO NOTICE OF EXTENSION REQUEST by Kramer Tree Specialists, Inc. with the Illinois Pollution Control Board, copies of which are served upon you.

**KRAMER TREE SPECIALISTS, INC.**

  
\_\_\_\_\_  
Bruce White

Dated: October 6, 2011

Bruce White  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312)214-4584  
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	)	(Land Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**RESPONSE TO OBJECTION TO NOTICE  
OF EXTENSION REQUEST**

NOW COMES Petitioner Kramer Tree Specialists, Inc. ("Kramer") by its attorneys and hereby responds to the Respondent, Illinois Environmental Protection Agency ("IEPA") objections to Petitioner's request for an extension of time pursuant to 415 ILCS 5/40(a)(1) as follows:

1) Kramer has been in frequent contact with IEPA over the past year, first to review the IEPA position on the permitting of its Petitioner's West Chicago, Illinois facility, and then with respect to the terms of a proposed permit.

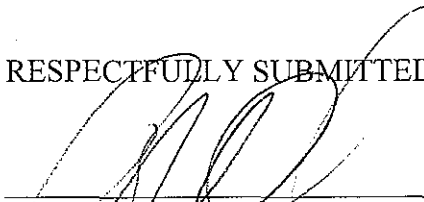
2) Since the Petitioner received IEPA's denial of its permit application on August 23, 2011, Petitioner has remained in contact with IEPA in an effort to discuss the reasons for that denial and the best ways in which to resolve them.

3) Given the substance and frequency of these ongoing communications between Petitioner and IEPA, we believe the intent of 415 ILCS 5/40(a)(1), to allow discussions between regulated parties and IEPA to continue in the hopes of resolving issues without formal appeals, has been met.

4) In this instance, it is also important to note that counsel received this matter from another attorney who is gravely ill and filed the request for the extension on the day counsel first met with the client and learned of the permit denial. Counsel took these immediate steps in the hopes of allowing discussions with IEPA to continue so that issues could be resolved amicably, while preserving its client's position to the extent

possible. Under all of these circumstances, we request that the Board give the extension request consideration and grant the additional time.

RESPECTFULLY SUBMITTED,



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A. Bruce White  
Counsel for Petitioner \

Dated: October 6, 2011

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Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312)214-4584  
(312)759-5646 (fax)

**CERTIFICATION**

I, Bruce White, certify that the statements made in this response to the IEPA's Objections to Kramer Tree Specialists, Inc.'s Response to Objection to Notice of Extension of Time pursuant to 415 ILCS 5/40(a)(1) are true and accurate to the best of my knowledge, information and belief formed after a reasonable review of the background information provided by Petitioner Kramer concerning their prior communications with IEPA and discussions with individuals having personal knowledge as to those communications.

Dated: 10/6/11

  
\_\_\_\_\_  
Bruce White