

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

SEP 27 2007

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)

) AS 08-003

) (Adjusted Standard)

PETITION FOR ADJUSTED)
STANDARD FROM 35 ADM. CODE)
620.420 FOR NOBEL RISLEY'S)
LANDFILL #2)

NOTICE

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

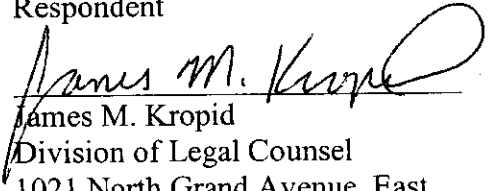
Penni S. Livingston
Attorney for Petitioner
5701 Perrin Road
Fairview Heights, IL 62208

Carol Webb
Hearing Officer
IPCB
1021 North Grand Ave. East
P.O. Box 19274
Springfield, Illinois 62794

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 A RECOMMENDATION TO PETITION FOR ADJUSTED STANDARD**, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


James M. Kropid
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: September 25, 2007

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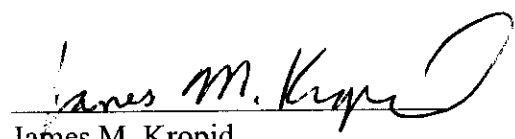
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LANDFILL #2)

AS 08-003
(Adjusted Standard)

ENTRY OF APPEARANCE

The undersigned hereby enters his appearance in the above-captioned matter as
counsel for the Illinois Environmental Protection Agency.

Respectfully submitted,


James M. Kropid

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62702-4059
217/782-5544
217/782-9143 (TDD)
Dated: September 25, 2007

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**MOTION FOR EXTENSION OF TIME TO FILE A RECOMMENDATION TO
PETITION FOR ADJUSTED STANDARD**

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, James M. Kropid, and, pursuant to 35 Ill. Adm. Code 101.522 and 104.416, hereby submits this **Motion for Extension of Time to File a Recommendation** to the Petition for an Adjusted Standard ("Petition") filed by Risley Landfill #2 ("Petitioner"). In support of this motion, the Illinois EPA states as follows:

1. On September 5, 2007, Petitioner filed its Petition seeking issuance of an Adjusted Standard from 35 Ill. Adm. Code 620.420.
2. In accordance with the Board's procedural rules, service of this Petition on the Illinois EPA must be sent to the attention of the Division of Legal Counsel at the address specified at 35 Ill. Adm. Code 101.304(g)(1). Service must also be timely made. See 35 Ill. Adm. Code 101.304(d). Arguably, service should be attempted or made on the date the Petition is filed with the Board.
3. On September 11, 2007, the Illinois EPA received, via e-mail, several files purported to be related the Petitioner's Adjusted Standard. These files could not be opened using Illinois EPA software and appeared to be corrupted.

4. On September 13, 2007, copies of a Notice of Filing, an Appearance, a Petition for Adjusted Standard, a Motion for Expedited Review, and a Motion to Allow Filing of Less Than Nine Copies, were received by the Illinois EPA's Division of Legal Counsel. These documents were sent by U.S. Mail on September 12, 2007.

5. The mailing sent by Petitioner on September 12, 2007, did not include the "Technical Justification for an Adjusted Standard for Chlorides in Ground-water" or the "Response to IEPA Comments". These documents were filed with Board on September 5, 2007.

6. In the Notice of Filing received by the Illinois EPA on September 13, 2007, Petitioner correctly states that the Agency had previously received a copy of the "Technical Justification for an Adjusted Standard for Chlorides in Ground-water" on November 7, 2006, and a copy of the "Response to IEPA Comments" on July 10, 2007. However, the Illinois EPA cannot readily determine whether the copies received on November 7, 2006, or on July 10, 2006, are the same in form or in substance as the documents filed with the Board on September 5, 2007.

7. Board rules require that parties in adjudicatory proceedings are responsible for serving all documents they file with the Clerk's Office. See 35 Ill. Adm. Code 101.304(b). As such, Petitioner has a duty to serve the Illinois EPA with the "Technical Justification for an Adjusted Standard for Chlorides in Ground-water" and the "Response to IEPA Comments".

8. 35 Ill. Adm. Code 101.416(a) provides that a recommendation must be filed by the Illinois EPA with the Board within 45 days after the filing of the petition or amended petition.

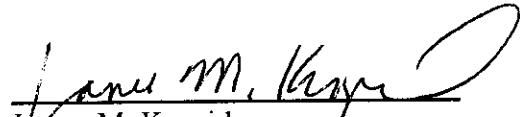
9. The Illinois EPA has not been served in a timely or proper manner. If relief is not granted, the Illinois EPA will suffer prejudice since over three weeks of time will have elapsed

without proper service of the filed documents. This time is necessary for proper review and consideration of all documents filed in this matter.

WHEREFORE, the Illinois EPA, respectfully requests the Board to grant this Motion for Extension of Time to File a Recommendation, as set forth within 35 Ill. Adm. Code 101.522 and 104.416, and requests that the Board allow the Respondent to file its recommendation within 45 days after the date upon which Respondent receives proper service in this matter.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


James M. Kropid
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: September 25, 2007

This filing submitted on recycled paper.

CERTIFICATE OF SERVICE

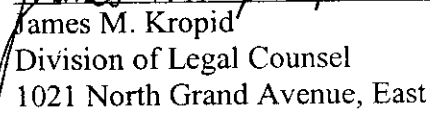
I, the undersigned attorney at law, hereby certify that on September 25, 2007, I served true and correct copies of an **APPEARANCE** and **MOTION FOR EXTENSION OF TIME TO FILE A RECOMMENDATION TO PETITION FOR ADJUSTED STANDARD**, by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class 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

Penni S. Livingston
Attorney for Petitioner
5701 Perrin Road
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