

ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

NOVEON, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 04-102
)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent)	

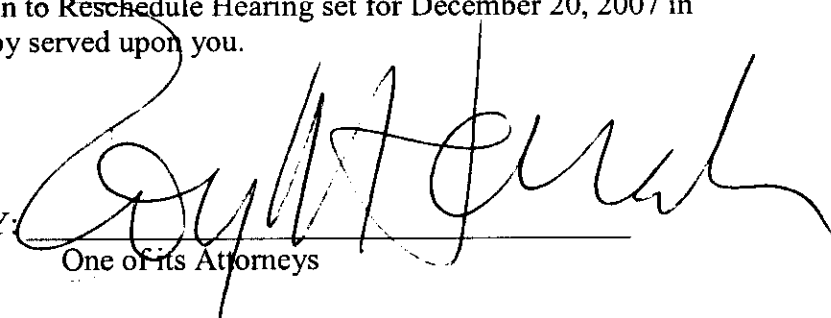
NOTICE OF MOTION

Via E-Mail and First Class Mail

TO: Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601

John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601

PLEASE TAKE NOTICE that today I have filed with the Clerk of the Office of the Illinois Pollution Control Board a Motion to Reschedule Hearing set for December 20, 2007 in this above titled matter. A copy is hereby served upon you.

BY: 
One of its Attorneys

Dated: December 14, 2007

Roy M. Harsch, Esq. ARDC # 1141481
DRINKER BIDDLE GARDNER CARTON, LLP
191 N. Wacker Drive - Suite 3700
Chicago, IL 60606
(312) 569-1451

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MOTION TO RESCHEDULE HEARING

Petitioner by its attorneys DrinkerBiddleGardnerCarton LLP, hereby requests that the Hearing Officer grant this motion to reschedule the December 20, 2007 hearing in this matter. In support, of this motion Petitioner states as follows:

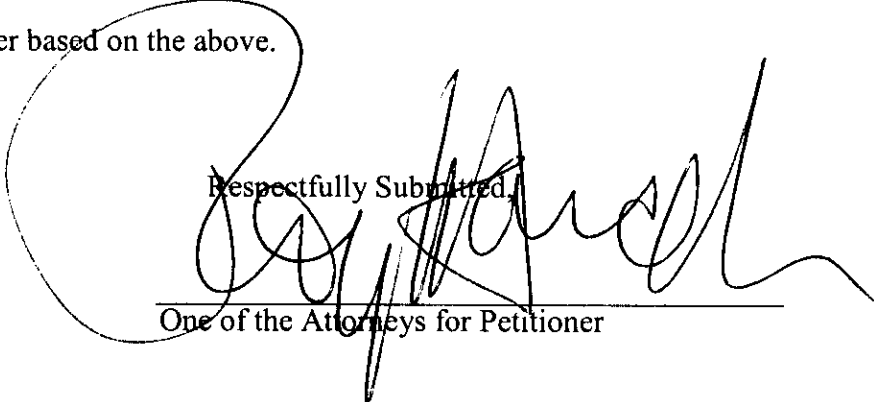
1. A hearing is scheduled in this matter for December 20, 2007, at 8:30 am at the Municipal Building, Council Chamber, 426 E. Park Row, Henry, IL.
2. Ms. Sally Carter of the Illinois Environmental Protection Agency (“IEPA”) has informed the Hearing Officer and Petitioner that she currently does not have a Special Attorney General approved to represent the IEPA in this matter due to unresolved issues between the IEPA and the Illinois Attorney General’s Office.
3. Due to the circumstance enumerated above, Petitioner is willing to provide the IEPA a period of time to determine and obtain appropriate counsel.
4. IEPA does not oppose this motion and the Hearing Officer was informed of this at its most recent status conference on December 13, 2007.

5. Petitioner confirms that the following dates are mutually acceptable in rescheduling the hearing: January 30th, January 31st, February 5th, and February 6th of 2008.

6. Petitioner asserts that if the matter between IPEA and the Illinois Attorney General's Office has not been resolved at the time of the rescheduled hearing date, Petitioner will nevertheless proceed with the matter at such time.

Wherefore, Petitioner respectfully requests that the IPCB grant this Motion to Reschedule the Hearing in this matter based on the above.

Respectfully Submitted,



One of the Attorneys for Petitioner

Dated: December 14, 2007

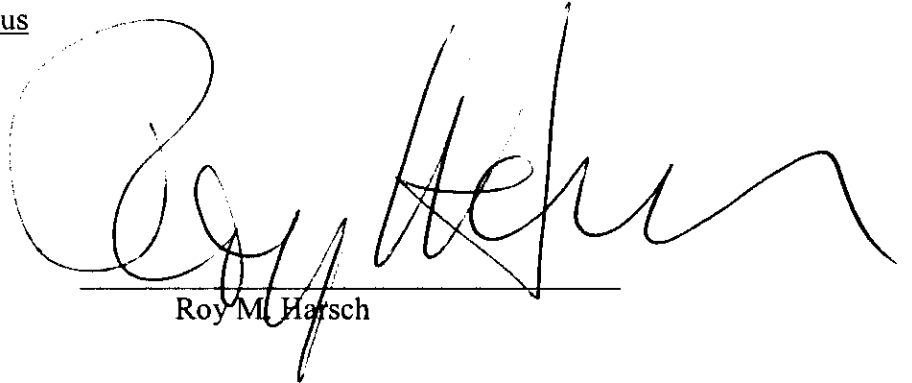
CERTIFICATE OF SERVICE

I, Roy M. Harsch, an attorney, hereby certify that on December 14, 2007 a copy of the foregoing Motion to Continue Hearing, was sent to the following via e-mail and First Class mail:

Thomas Davis
Illinois Attorney General's Office
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Springfield, IL 62794-9276
tdavis@atg.state.il.us

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P.O. Box 19276
Springfield, IL 62794-9276
Sally.Carter@illinois.gov

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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Roy M. Harsch