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MAY 09 2003

ORIGINAL
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
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PETITION OF NOVEON, INC. FOR
AN ADJUSTED STANDARD FROM
35 ILL. ADM. CODE 304.122

AS 02-5
(Adjusted Standard - Water)

NOTICE OF FILING

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Mark Latham
Richard Kissel
Gardner, Carton, & Douglas
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606

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

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the
Pollution Control Board the attached Motion for Extension of Time to File Recommendation and
Affidavit, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY OF THE
STATE OF ILLINOIS

BY: Deborah J. Williams
Deborah J. Williams
Assistant Counsel
Division of Legal Counsel

DATED: May 7, 2003
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MAY 09 2003

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)

PETITION OF NOVEON, INC. FOR)
AN ADJUSTED STANDARD FROM)
35 ILL. ADM. CODE 304.122)

AS 02-5)
(Adjusted Standard - Water))

MOTION FOR EXTENSION OF TIME TO FILE RECOMMENATION

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") by one of its attorneys, Deborah J. Williams, and moves the Hearing Officer, pursuant to 35 Ill. Adm. Code 101.502 and 104.416(a), to grant it an extension of time to file its response to the Petition of Noveon, Inc. ("Noveon" or "Petitioner") for an Adjusted Standard from 35 Ill. Adm. Code 304.122, due on May 15, 2003, for an additional thirty (30) days. In support of its request, the Illinois EPA states as follows:

1. On May 22, 2002, Noveon filed a Petition for an Adjusted Standard with Illinois Pollution Control Board ("Board"). The Petition requests relief from 35 Ill. Adm. Code 304.122 as these regulations apply to the discharge of ammonia nitrogen from Noveon's Henry, Marshall County, Illinois facility.
2. Pursuant to Section 28.1(d) of the Environmental Protection Act, Petitioner filed a Certificate of Publication with the Board on June 11, 2002 stating that notice of the adjusted standard petition was timely published on May 29, 2002. 415 ILCS 5/28.1(d). On June 20, 2003, the Board accepted the Petition for hearing.
3. The Illinois EPA is required to respond to a Petition for Adjusted Standard within forty-five (45) days of filing pursuant to 35 Ill. Adm. Code 104.416. Hearing Officer Orders dated January 22, 2003 and March 20, 2003 extended the deadline

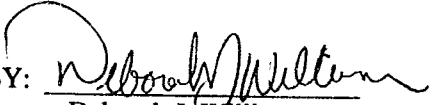
for submittal of the Illinois EPA's Recommendation in this matter until May 15, 2003.

5. On April 21, 2003, the Illinois EPA filed a Motion for Withdrawal and Substitution of Counsel and Deborah J. Williams filed an appearance in this matter. The time provided by the Hearing Officer Orders has been inadequate for the new Illinois EPA attorney assigned to this matter to complete review of the extensive background materials in the matter and prepare the Illinois EPA's Recommendation. In addition, a Freedom of Information Act review of the Illinois EPA files in this matter will cause the necessary documents to be unavailable for the Agency attorney's use for several days.
6. In a telephone conversation on May 6, 2003, counsel for the Petitioner stated that Petitioner does not object to the Illinois EPA's request for additional time to respond.
7. Petitioner will suffer no prejudice should the Illinois EPA be granted an extension of its time to respond to its Adjusted Standard petition.

WHEREFORE, the Illinois EPA respectfully requests that the Hearing Officer grant it an extension of time in which to respond to the Petition of Noveon, Inc. for Adjusted Standard for an additional thirty (30) days.

Respectfully Submitted,

ENVIRONMENTAL PROTECTION
AGENCY OF THE STATE OF ILLINOIS

BY: 
Deborah J. Williams
Assistant Counsel
Division of Legal Counsel

DATED: May 7, 2003

Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

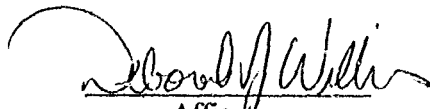
STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS.

AFFIDAVIT

I, DEBORAH J. WILLIAMS, being first duly sworn upon oath, depose and state as follows:

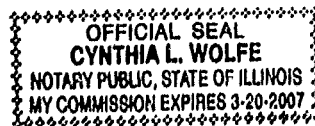
1. I am employed by the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY as Assistant Counsel of the Bureau of Water.
2. As part of my duties I represent the Agency on the case: IN THE MATTER OF: PETITION OF NOVEON, INC. FOR AN ADJUSTED STANDARD FROM 35 Ill. Adm. Code 304.122. I was assigned by my supervisor, Connie Tonsor, to represent the Illinois EPA in this matter on March 17, 2003.
3. I have prepared the Illinois EPA's Motion for Extension of Time to File Recommendation, and the contents thereof are true and correct to the best of my knowledge.
4. On May 9, 2003, the Agency files in this matter and the related permit appeal (PCB 91-7) will be reviewed pursuant to a request under the Freedom of Information Act. From May 6, 2003 to May 9, 2003, those files will be screened for privileged and confidential documents by Illinois EPA paralegals and unavailable for use by myself in preparing the Illinois EPA's Recommendation.
5. I spoke with Mark Latham, attorney for Petitioner, regarding the contents of this motion on May 6, 2003.

FURTHER AFFIANT SAYETH NOT


Affiant

SUBSCRIBED AND SWORN TO BEFORE ME
this 7th day of May 2003.


Notary Public



STATE OF ILLINOIS
COUNTY OF SANGAMON

ORIGINAL
) SS
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CLERK'S OFFICE
MAY 09 2003
STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached, **Motion for Extension of Time to File Recommendation and Affidavit** upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

Mark Latham
Richard Kissel
Gardner, Carton and Douglas
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606
(First Class Mail)

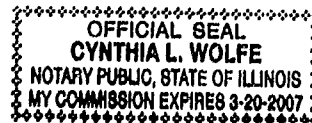
Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
(First Class Mail)

and mailing it from Springfield, Illinois on May 7, 2003 with sufficient postage affixed as indicated above.

Nancy J. D. Lampert

SUBSCRIBED AND SWORN TO BEFORE ME
this 7th day of May 2003

Cynthia L. Wolfe
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER