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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF LEGAL COUNSEL
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SPRINGFIELD, ILLINOIS 62794-9276
TELEPHONE (217)782-5544 FACSIMILE (217)782-9807

STATE OF ILLINOIS
Pollution Control Board

DATE: November 24, 2004

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

PARTY'S NAME: Dorothy Gunn
Clerk of the Pollution Control Board

FIRM/COMPANY'S NAME: Pollution Control Board

FACSIMILE NO.: _____

TELEPHONE NO.: _____

FROM: Robb Layman

Re: SCA Tissue North America, LLC, AS 2005-001

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 8

HARD COPY WILL X WILL NOT _____ FOLLOW.

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COMMENTS: Appearance at Motion for Extension of Time
to file Recommendation

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Clara

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217-524-9137

November 24, 2004

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601-3286

Re: *Petition of SCA TISSUE NORTH AMERICA, L.L.C., for an adjusted standard from 35 Ill. Adm. Code 218.301 and 218.302(C).*
PCB No. AS 2005-001 (Adjusted Standard - Air)

Dear Ms. Gunn:

Please find enclosed the original (1) and ten (10) copies of an APPEARANCE and a MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION of the Respondent, Illinois Environmental Protection Agency, for filing with the Pollution Control Board in regards to the above-captioned matter. If it's not too inconvenient, I request that a file-stamped copy of the documents be returned to my office in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Sincerely,

Robb H. Layman
Special Assistant Attorney General
Illinois EPA

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

IN THE MATTER OF:)	
)	
PETITION OF SCA TISSUE NORTH AMERICA,)	AS - 2005-001
L.L.C., FOR AN ADJUSTED STANDARD FROM)	(Adjusted Standard-Air)
35 ILL. ADM. CODE 218.301 AND 218.302(C).)	

NOTICE

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

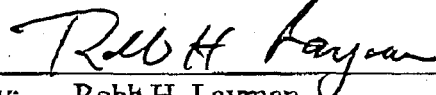
Brad Halloran
Hearing Officer
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601

John J. Privitera
McNamee, Lochner, Titus & Williams, P.C.
75 State Street
P.O. Box 459
Albany, New York 12201-0459

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original (1) and ten (10) copies of an **APPEARANCE** and a **MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION** of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the assigned Hearing Officer and the attorney for the Petitioner, SCA Tissue North America, L.L.C.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



By: Robb H. Layman
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 524-9137

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

IN THE MATTER OF:)

PETITION OF SCA TISSUE NORTH AMERICA,)
L.L.C., FOR AN ADJUSTED STANDARD FROM)
35 ILL. ADM. CODE 218.301 AND 218.302(C).)

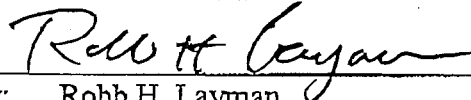
AS - 2005-001
(Adjusted Standard-Air)

APPEARANCE

NOW COMES Robb Layman, as a Special Assistant Attorney General, and enters
his appearance on behalf of the Respondent, ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY, in the above-captioned matter.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



By: Robb H. Layman
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 524-9137

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

IN THE MATTER OF:)	
)	
PETITION OF SCA TISSUE NORTH AMERICA,)	AS – 2005-001
L.L.C., FOR AN ADJUSTED STANDARD FROM)	(Adjusted Standard-Air)
35 ILL. ADM. CODE 218.301 AND 218.302(C).)	

**MOTION FOR EXTENSION OF TIME
TO FILE RECOMMENDATION**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its attorneys, and moves the ILLINOIS POLLUTION CONTROL BOARD (“Board”) for an extension of the time to file a Recommendation to the Petition for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c) (hereinafter “Petition”) filed by the Petitioner, SCA TISSUE NORTH AMERICA, L.L.C. (“SCA Tissue”), in the above-captioned matter.

1. Petitioner filed their Petition with the Board on October 12, 2004, and the Illinois EPA received a copy of the Petition on or about that same date.
2. Section 104.416(a) of the Board’s procedural regulations provides that the Illinois EPA must file its Recommendation within 45 days after the filing of the Petition. [See, 35 Ill. Adm. Code 104.416(a)]. In this instance, the filing date for the Recommendation would ordinarily have been due on Friday, November 26, 2004, however, the Board’s regulations have extended the original filing date to Monday, November 29, 2004, by virtue of the Thanksgiving holidays. [See, 35 Ill. Adm. Code 101.300(a)].

3. The undersigned attorney was assigned the responsibilities for handling this case matter during the week of October 19th, but has been unable to devote any substantial time or resources to the Illinois EPA's Recommendation due to the press of other enforcement and appeal-related case assignments. At the time of the filing of this Motion, the Recommendation is nearly seventy-five percent complete. The undersigned attorney anticipates finalizing the document early next week and, thereafter, circulating the document to the Illinois EPA's technical staff for review.

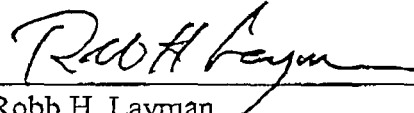
4. Based on the fore-going reasons, the Illinois EPA formally requests an extension of time of approximately 10 days in which to file its formal Recommendation with the Board.

5. Prior to the filing of this Motion, the undersigned attorney spoke with Petitioner's counsel, Mr. John J. Privitera, to apprise him of the Illinois EPA's request for additional time to prepare the Recommendation. Mr. Privitera stated that that he had no objection to the substance of the Motion.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion and issue an order allowing the Illinois EPA to file the Recommendation with the Board in this matter by no later than Wednesday, December 8, 2004

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Robb H. Layman

Special Illinois Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 524-9137

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of November 2004, I did send, by First Class Mail, with postage thereon fully paid and deposited into the possession of the United States Postal Service, one (1) original and ten (10) copies of the following instruments entitled **APPEARANCE** and **MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION** to:


Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instruments by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Brad Halloran
Hearing Officer
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601

John J. Privitera
McNamee, Lochner, Titus & Williams, P.C.
75 State Street
P.O. Box 459
Albany, New York 12201-0459

By the authority granted by the assigned Hearing Officer in this case, the undersigned also faxed a true and correct copy of the foregoing instruments to the Board for filing on this same date.


By: Robb H. Layman
Special Assistant Attorney General

This filing is submitted on recycled paper.