

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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DEC 06 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
WILLIAM SHRUM, )  
 )  
Respondent. )

AC 05-18

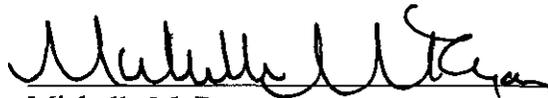
(IEPA No. 409-04-AC)

**NOTICE OF FILING**

To: Kevin J. Babb  
309 Hillsboro Avenue  
Edwardsville, IL 62025

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled APPEARANCE and MOTION TO FILE INSTANTER.

Respectfully submitted,



Michelle M. Ryan  
Special Assistant Attorney General

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

Dated: November 21, 2005

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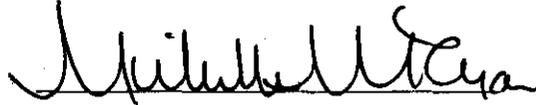
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(IEPA No. 409-04-AC)

ENTRY OF APPEARANCE

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

Respectfully submitted,



Michelle M. Ryan  
Special Assistant Attorney General

DATED: November 21, 2005

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62702-4059  
(217) 782-5544

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(IEPA No. 409-04-AC)

MOTION TO FILE INSTANTER

NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 101.522, and respectfully states as follows:

(1) This matter was initially filed on August 26, 2004 on behalf of the Illinois EPA by the undersigned attorney. No specific designation of lead counsel was made by Illinois EPA in this proceeding. Pursuant to 35 Ill. Adm. Code 101.400(a)(4), the undersigned attorney was designated lead counsel in this matter by operation of rule.

(2) On December 8, 2004, James M. Kropid filed a formal appearance on behalf of Illinois EPA as the newly assigned attorney.

(3) The undersigned attorney was reassigned to this matter prior to hearing, participated in status calls with the assigned Hearing Officer, and scheduled the matter for hearing on November 17, 2005.

(4) The undersigned attorney prepared a formal written appearance, as required by 35 Ill. Adm. Code 101.400(a)(4), in advance of hearing for filing during the hearing. However, the required

documents were inadvertently left on the undersigned attorney's desk in Springfield when she traveled to Perry County for the hearing.

(5) No specific timeframe is set forth in the Board's rules for the filing of a written appearance, although the undersigned attorney has previously filed written appearances at or prior to hearing.

(6) Pursuant to 35 Ill. Adm. Code 101.522, the Board may allow for an extension of time for filing any document either before or after the due date.

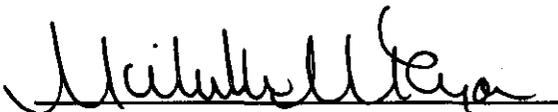
(7) Respondent did not object at hearing to the lack of a formal written appearance.

(8) No prejudice will result by granting this motion, as the Hearing Officer and opposing counsel were kept informed of the assigned attorney at all times, and this case does not contain a statutory decision deadline.

WHEREFORE, Illinois EPA requests that the Board grant this Motion to File Instantly and accept the undersigned attorney's appearance as timely filed.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant

DATED: November 21, 2005

  
Michelle M. Ryan  
Special Assistant Attorney General

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

**PROOF OF SERVICE**

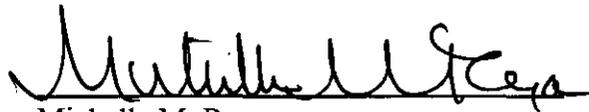
I hereby certify that I did on the 21<sup>st</sup> day of November, 2005, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled APPEARANCE and MOTION TO FILE INSTANTER

To: Kevin J. Babb  
309 Hillsboro Avenue  
Edwardsville, IL 62025

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail with postage thereon fully prepaid

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



Michelle M. Ryan  
Special Assistant Attorney General

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

THIS FILING SUBMITTED ON RECYCLED PAPER