

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:) Docket No. CAA-05-2008-0033
)
Barron County Waste to Energy)
Facility)
Almena, Wisconsin)
)
Respondent.)
_____)

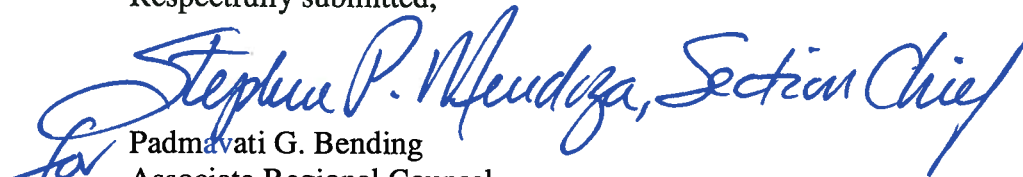
Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean Air
Act, 42 U.S.C. § 7413(d)

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NOTICE OF UNAVAILABILITY

Padmavati Bending, Counsel for Complainant, Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, Chicago, Illinois, hereby notifies this Court that she will be unavailable from October 8, 2008 through October 29, 2008 because she will be undergoing and recovering from low back surgery. During this period of time, Ms. Bending will be unable to review and reply to filings and correspondence in this matter.

Respectfully submitted,

for  Stephen P. Mendez, Section Chief

Padmavati G. Bending
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Region 5
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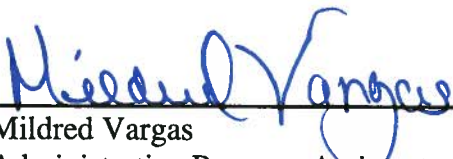
CERTIFICATE OF SERVICE

I hereby certify that today I filed personally with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-13J), Chicago, Illinois, 60604-3590, the original document entitled Notice of Unavailability for this civil administrative action, and that I issued to the Court and Respondent's Counsel by first class mail a copy of the original document:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

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Madison, WI 53701-1767

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Mildred Vargas
Administrative Program Assistant

Oct. 7, 2008
Date