

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

GENERAL III, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 2021-007
	)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF ELECTRONIC FILING**

To: *See Attached Service List*

PLEASE TAKE NOTICE that on the 31st day of August, 2020, I caused to be filed with the Office of the Clerk of the Pollution Control Board by electronic filing the attached Motion for Extension of Time to File the Record, a copy of which is attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

/s/ Daniel Robertson  
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**SERVICE LIST**

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**CERTIFICATE OF SERVICE**

I, Daniel Robertson, an Assistant Attorney General, hereby certify that on the 31st day of August, 2020, I caused to be served the foregoing Notice of Electronic Filing and Motion for Extension of Time to File the Record, to the parties named on the attached Service List, via e-mail or electronic filing as indicated.

/s/ Daniel Robertson  
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PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**RESPONDENT’S MOTION FOR EXTENSION OF TIME TO FILE THE RECORD**

NOW COMES Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through the Attorney General of the State of Illinois (“AGO”), KWAME RAOUL, and pursuant to 35 Ill. Adm. Code 105.116(a), hereby moves for an extension of time in which to file the record for this permit appeal. In support of this request, the Illinois EPA states as follows:

1. On August 13, 2020, the Illinois Pollution Control Board (“Board”) ordered Illinois EPA to file the entire record of its determination by August 29, 2020, unless the Board or hearing officer orders otherwise. Order of the Board, page 2 (Aug. 13, 2020).<sup>1</sup>

2. Though Illinois EPA is continuing to assemble the documents and, as such, does not presently know the exact number of pages, the record in this permit appeal is substantial. For example, on March 30, 2020, Illinois EPA issued a notice of public comment period. 329 people submitted written statements, submissions and exhibits to Illinois EPA during the 77-day public comment period. In addition, Illinois EPA held two public hearing sessions on May 14, 2020, which over 200 people attended. Illinois EPA requires sufficient time to compile all of the

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<sup>1</sup> Because August 29, 2020 is a Saturday, the Illinois EPA is therefore currently required to file the record on or before Monday, August 31, 2020. 35 Ill. Adm. Code 105.106; 35 Ill. Adm. Code 101.300.

categories of documents required in 35 Ill. Adm. Code 105.212(b).

3. Illinois EPA's efforts to compile the complete record have been hindered due to the challenges presented by the COVID-19 pandemic and the continuing requirement that its employees work remotely. Similarly, once Illinois EPA completes its collection of the documents comprising the record in this permit appeal, the AGO must have sufficient time to review, bates-label and index all such documents, while similarly working remotely.

4. As a result of the foregoing, Illinois EPA requires an extension of the deadline to file the record of the permit appeal.

5. Counsel for Illinois EPA has discussed this request with counsel for General III, LLC, and has been informed that Petitioner has no objection to this Motion.

WHEREFORE, for the reasons stated herein, Illinois EPA respectfully requests that the Board or Hearing Officer enter an order, (i) granting Illinois EPA's motion, (ii) extending the deadline for Illinois EPA to file the administrative record until September 25, 2020; and (iii) award such other relief as the Board or Hearing Officer deems appropriate.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

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