

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CTI DEVELOPMENT, LLC,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

PCB NO. 2021-110

(VARIANCE-LAND)

NOTICE OF FILING

To: Mr. Don Brown
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board CTI Development, LLC.'s Agreed Motion for Extension and a Waiver of Decision Deadline, a copy of which is herewith served upon you.

Respectfully submitted,

CTI DEVELOPMENT, LLC
Petitioner,

DATE: June 7, 2021

By: /s/ Jennifer M. Martin
One of Its Attorneys

Jennifer M. Martin
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, IL 62711
Jennifer.Martin@heplerbroom.com
(217) 528-3674

William J. Curtis
POLSINELLI PC
100 S. Fourth Street
St. Louis, MO 63102
wcurtis@polsinelli.com
(314) 622-6172

CERTIFICATE OF SERVICE

I, Jennifer M. Martin, the undersigned, hereby certifies that the attached Agreed Motion for Extension and Waiver of Decision Deadline was electronically filed on June 7, 2021 with the following:

Mr. Don Brown
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

and that, on June 7, 2021, a true copy of the attached Agreed Motion for Extension and Waiver of Decision Deadline was served by electronic mail on the following:

Clayton Ankney, #6320224
Stefanie Diers, #6271177
Christine Zeivel, #6298033
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
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(217) 782-5544
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/s/ Jennifer M. Martin

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(VARIANCE - LAND)

AGREED MOTION FOR EXTENSION

CTI Development, LLC, and the Illinois Environmental Protection Agency (“Agency”), through their undersigned attorneys, hereby move for extension of the deadlines in 35 Ill. Adm. Code 101.506 and 104.216(b). In support of this motion, Petitioner and Respondent state as follows:

1. On May 11, 2021, Petitioner filed a Petition for Variance seeking relief from the requirement in 35 Ill. Adm. Code 845.200(a)(4).

2. Per 35 Ill. Adm. Code 101.506, a motion to strike, dismiss, or challenge the sufficiency of any pleading filed with the Illinois Pollution Control Board (“Board”) must be filed within 30 days after service of the challenged document, unless the Board determines that material prejudice would result.

3. The Petition was served on the Agency on May 11, 2021 and, therefore, the deadline to file any motion to strike, dismiss, or challenge the sufficiency of the Petition in this matter is June 10, 2021.

4. On June 1, 2021, a Notice of Hearing was entered in this matter, scheduling the hearing on the Petition for Variance for July 7, 2021.

5. Per 35 Ill. Adm. Code 104.216(b), unless otherwise ordered by the Hearing Officer or the Board, the Agency's recommendation to the Board as to the disposition of the Petition must be filed within 45 days after filing of the Petition or, where there has been a hearing scheduled, at least 30 days before the hearing, whichever is earlier.

6. Because the hearing has been set for July 7, 2021, the Agency's Recommendation in this matter is due on June 7, 2021.

7. Petitioner has been in discussions with the Agency regarding the sufficiency of the Petition.

8. As a result of those discussions, Petitioner plans to file an Amended Petition in this matter.

9. Concurrent with this Motion, Petitioner is also filing a limited waiver of the statutory decision deadline.

10. Petitioner will also be filing a Motion to Cancel Hearing.

11. Given that Petitioner plans on filing an Amended Petition and that a waiver of the statutory decision deadline is being filed, CTI and the Agency move to extend the deadlines under Sections 101.506 and 104.216(b) for the Agency to file a motion to dismiss and a recommendation in this matter.

12. CTI and the Agency request that these deadlines be extended to 30 days after the date that the Hearing Officer or the Board enters an order ruling on CTI's motion to file an Amended Petition in this matter.

WHEREFORE, CTI Development, LLC and the Illinois Environmental Protection Agency respectfully request the Hearing Officer or Illinois Pollution Control Board to extend the deadlines as requested above.

Respectfully submitted,
CTI Development, LLC.
Petitioner,

Date: June 7, 2021

By: /s/ Jennifer M. Martin

Jennifer M. Martin
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Respectfully submitted,
Illinois Environmental
Protection Agency,
Respondent,

/s/ Christine Zeivel
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/s/ Clayton Ankney
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LIMITED WAIVER OF DECISION DEADLINE

CTI Development, LLC, through its undersigned attorneys, hereby waives the Board's 120-day statutory decision deadline in this matter. The current decision deadline is September 8, 2021. Petitioner hereby voluntarily agrees to a limited waiver of the statutory 120-day deadline until March 7, 2022.

Respectfully submitted,
CTI Development, LLC.
Petitioner,

Date: June 7, 2021

By: /s/ Jennifer M. Martin

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