

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) PCB 2021-110
CTI Development, LLC v. Illinois)
Environmental Protection Agency) (Variance – Land)

To: See attached service list.

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency's Motion for Extension of Time, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: September 24, 2021

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Clayton J. Ankney, #6320224
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Respondent,

BY: /s/Clayton J. Ankney
Clayton J. Ankney

THIS FILING IS SUBMITTED ELECTRONICALLY

SERVICE LIST

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James R. Thompson Center
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Carol.Webb@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) PCB 2021-110
CTI Development, LLC v. Illinois)
Environmental Protection Agency) (Variance – Land)
)

MOTION FOR EXTENSION OF TIME

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorney, hereby submits its Motion for Extension of Time and requests the Board extend the time for it to file its recommendation concerning CTI Development, LLC’s Amended Petition for Variance, stating as follows:

1. On August 26, 2021, the Board entered an order accepting CTI Development LLC’s Amended Petition for Variance (“Amended Petition”).
2. The Board further allowed the Agency up to September 27, 2021, to file a motion to dismiss and its recommendation concerning the Amended Petition.
3. On September 22, 2021, the Agency filed its Motion to Dismiss Amended Petition for Variance, seeking to have the Board dismiss CTI Development, LLC’s Amended Petition in its entirety because the Board does not have the authority to grant the relief requested by CTI.
4. The Agency has raised a threshold legal question, and if the Board grants the motion to dismiss, there will be no petition to which the Agency would be required to respond.
5. To avoid the premature drafting and filing of a recommendation by the Agency, drafting and filing of a response to the recommendation by the petitioner, and review by the Board, the Agency requests the Board extend the deadline to file its recommendation until 45 days after the Board rules on the Agency’s motion to dismiss, in the event the Board denies the motion.

6. Counsel for the Agency contacted counsel for CTI, who indicated CTI has no objection to the requested extension of time.

Wherefore, the Agency requests the Board grant its Motion for Extension of Time and extend the time for it to file a recommendation as stated herein.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Dated: September 24, 2021

Clayton J. Ankney, #6320224
Division of Legal Counsel
Illinois Environmental Protection Agency
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Respondent,

BY: /s/Clayton J. Ankney
Clayton J. Ankney

THIS FILING IS SUBMITTED ELECTRONICALLY

CERTIFICATE OF SERVICE

I, the undersigned, on affirmation certify the following:

That I have served the attached **NOTICE OF FILING** and **MOTION FOR EXTENSION OF TIME** by e-mail upon the following:

Jennifer M. Martin Jennifer.Martin@heplerbroom.com
Melissa Brown Melissa.brown@heplerbroom.com
William J. Curtis wcurtis@polsinelli.com
Don Brown Don.Brown@illinois.gov
Carol Webb Carol.Webb@illinois.gov

That I have served the attached **NOTICE OF FILING** and **MOTION FOR EXTENSION OF TIME** upon any other persons, if any, listed on the Service List, by placing a true copy in an envelope duly address bearing proper first-class postage in the United States mail at Springfield, Illinois on September 24, 2021.

That my e-mail address is Clayton.Ankney@Illinois.gov.

That the number of pages in the e-mail transmission is five (5).

That the e-mail transmission took place before 4:30 p.m. on the date of September 24, 2021.

/s/Clayton J. Ankney
Clayton J. Ankney