

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JAN 26 2004

STATE OF ILLINOIS
Pollution Control Board

DES PLAINES RIVER WATERSHED ALLIANCE,)
LIVABLE COMMUNITIES ALLIANCE,)
PRAIRIE RIVERS NETWORK, and SIEERA CLUB,)

Petitioners,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF NEW LENOX,)

Respondents.)

PCB 04-88
(NPDES Permit Appeal)

NOTICE OF FILING

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


Albert F. Ettinger
Senior Staff Attorney
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1300
Chicago, IL 60601

Bradley P. Halloran
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph Street
Chicago, IL 60601

Sheila H. Deely
Gardner Carton & Douglas LLP
191 N. Wacker Drive- Suite 3700
Chicago, Illinois 60606-1698

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an original and four (4) copies the **MOTION FOR LEAVE TO AMEND RECORD INSTANTER** and **AMENDED RECORD** of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Sanjay K. Sofat
Assistant Counsel
Division of Legal Counsel

Dated: January 21, 2004
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING PRINTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JAN 26 2004

STATE OF ILLINOIS
Pollution Control Board

DES PLAINES RIVER WATERSHED ALLIANCE,)
LIVABLE COMMUNITIES ALLIANCE,)
PRAIRIE RIVERS NETWORK, and SIEERA CLUB,)

Petitioners,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF NEW LENOX,)

Respondents.)

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MOTION FOR LEAVE TO AMEND RECORD INSTANTER

NOW COMES, Respondent, the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by one of its attorneys, Sanjay K. Sofat, and pursuant to 35 Ill. Adm. Code 105.212 and 105.116, and hereby requests that the Illinois Pollution Control Board ("Board") grant its motion to amend its Record instanter. In support of this motion, the Illinois EPA states as follows:

1. On December 2, 2003, Petitioners, Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club, filed a third party permit appeal with the Board pursuant to 415 ILCS 5/40(e)(1) and 35 Ill. Adm. Code 105.204(b). Petitioners appeal the issuance of an National Pollutant Discharge Elimination System ("NPDES") permit to the Village of New Lenox on October 31, 2003, for its STP #1 in New Lenox, Illinois.
2. Pursuant to 35 Ill. Adm. Code 105.116, the Agency Record is to be filed with the Board within thirty (30) days after receipt of the petition. The Agency Record was timely filed with the Board and consists of approximately 659 pages.
3. On January 12, 2004, the Illinois EPA received an email from Albert Ettinger, attorney for Petitioners, indicating that some of the pages in the Record were illegible.

4. The Agency acknowledges the error identified by Mr. Ettinger in Paragraph 3.

Further, to ensure completeness of the Record, the Agency has thoroughly reviewed the originally filed Record for similar inadvertent errors. The Agency has identified twenty such pages and requests that these legible copies be made part of the originally filed Record.

5. No prejudice will attach to Petitioners if the Agency is granted permission to amend its Record, as Petitioners are already in possession of the illegible pages.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Board accept the filing of this amended record instant.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 

Sanjay K. Sofat
Assistant Counsel
Division of Legal Counsel

DATED: January 21, 2004

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

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STATE OF ILLINOIS

COUNTY OF SANGAMON

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PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached **MOTION FOR LEAVE TO AMEND RECORD INSTANTLY** and **AMENDED RECORD** upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

(FIRST CLASS MAIL)

Albert F. Ettinger
Senior Staff Attorney
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1300
Chicago, IL 60601

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Bradley P. Halloran
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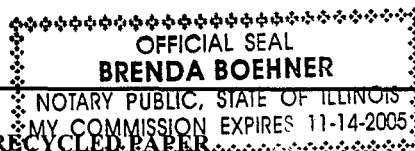
and mailing it from Springfield, Illinois on January 21, 2004, with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME

this day of January 21, 2004.


Notary Public



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