

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BRICKYARD DISPOSAL & RECYCLING, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 16-66
)	(Permit Appeal–Land)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on May 18, 2016, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois a MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ David G. Samuels
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Dated: May 18, 2016

CERTIFICATE OF SERVICE

I hereby certify that I did on May 18, 2016, cause to be served by electronic mail, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD upon the following persons:

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218
(Via Electronic Filing)

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794
webbc@ipcb.state.il.us
(Via Email)

Claire A Manning, Esq.
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(Via Email)

Signed: /s/ David. G. Samuels
DAVID G. SAMUELS
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MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to 35 Ill. Adm. Code 101.522 and 105.116, hereby moves for an extension of time to file the administrative record in this matter. In support of this Motion, Respondent states as follows:

1. On April 28, 2016, the Hearing Officer entered an Order extending the time for Respondent, the Illinois Environmental Protection Agency (“Agency”), to file the Administrative Record (“Record”) in this proceeding by May 19, 2016.
2. The Record has been physically compiled, and totals nearly 50,000 pages.
3. The Agency has scanned the Record into the required Adobe PDF format, and expects the original paper copy to be completed by the May 19, 2016 deadline.
4. Due to technical problems, however, the Agency has been delayed in preparing a searchable digital version of the Record by means of optical character recognition (OCR) software. On May 17, 2016, the Agency had several computers performing OCR in parallel, and left the computers to continue working overnight. Unbeknownst to the Agency, their computers are programmed to automatically shut down every night after business hours. Consequently, the computers performing OCR automatically shut down on the evening of May 17, 2016,

destroying the entirety of processing completed that day.

5. That setback, and the ability to only perform OCR processing during normal business hours, has delayed the Agency such that it cannot provide a searchable digital copy of the Record by May 19, 2016.

6. Pursuant to Sections 105.116(a) and 101.522, the Agency requests an extension of time to file the administrative record with the Board. The Agency believes in good faith that an additional two (2) business days should be adequate to perform the necessary OCR processing.

7. Petitioner's counsel has been informed of this unanticipated delay in processing the digital copy of the Record, and does not object to an extension of time to file.

WHEREFORE, for the reasons stated above, the Respondent respectfully requests that the Hearing Officer grant this request for extension to file the Record in this matter until and including the date of May 23, 2016.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

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