

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IMTT ILLINOIS, LLC)	
)	
Petitioner,)	
)	PCB No. 20-47
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel, Illinois EPA
Stefanie.diers@illinois.gov

PLEASE TAKE NOTICE that on February 6, 2020, I caused to be filed a REQUEST FOR SIXTY DAY EXTENSION with the Illinois Pollution Control Board, a copy of which is served upon you.

IMTT Illinois, LLC

By: /s/ David L. Rieser
One of Its Attorneys

David L. Rieser
Of Counsel
K&L Gates, LLC
70 West Madison Street
Chicago, IL 60602
312-807-4359
David.rieser@klgates.com

PROOF OF SERVICE

The undersigned attorney certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that he caused a copy of the foregoing **Request for Sixty Day Extension** to be served by sending an email from my email account to the email address listed above on or before 5:00 pm on February 6, 2020.

/s/ David L. Rieser
One of Its Attorneys

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IMTT ILLINOIS, LLC)	
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Petitioner,)	
)	PCB No.: 20-47
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ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
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Respondent.)	

REQUEST FOR SIXTY DAY EXTENSION

NOW COMES the Petitioner, IMTT Illinois, LLC ("IMTT") by its attorneys, K & L Gates, LLP, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board ("Board") grant an extension of the thirty-five (35) day period for petitioning for an appeal of a permit. IMTT respectfully states as follows in support of this request:

1. On December 13, 2019, the Illinois EPA ("IEPA") issued a revised NPDES permit to the Petitioner which Petitioner received on or about December 17.
2. On December 31, 2019 Petitioner made a written request via email to the IEPA for an extension of time by which to file a petition for review, asking the IEPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days.
3. On January 16, 2020, consistent with the Agency's recommendation, the Board issued its order extending the time to file an appeal by 30 days or until February 20, 2020.
4. Since that order the parties have met to discuss the issues involved in this permit. As a result of that meeting the Agency has now agreed that the time for filing an appeal be extended for an additional 60 days. This will extend the time for the full 90 days

allowed by the Act.

5. A copy of an email documenting this agreement is attached hereto and incorporated herein as Exhibit A. This issue noted in the email has been corrected.
6. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for an additional sixty day extension of the thirty-five day period for submitting a permit appeal petition.

Dated: February 6, 2020

Respectfully submitted,

IMTT Illinois, LLC

/s/ David L. Rieser
One of Its Attorneys

David L. Rieser
Of Counsel
K&L GATES LLP
70 W. Madison Street, Suite 3100
Chicago, Illinois 60602
(312) 807-4359
David.Rieser@klgates.com

Rieser, David L.

From: Zeivel, Christine <Christine.Zeivel@illinois.gov>
Sent: Thursday, February 06, 2020 10:35 AM
To: Rieser, David L.
Subject: RE: IMTT Permit [KLG-USE_Active01.FID1862130]

External Sender:

Thank you for the opportunity to review. I believe a correction is needed in the introductory paragraph, as it reads "for 30 days" and should instead read either "90 days" or "an additional 60 days." Otherwise, I am okay with the document as drafted.

Christine Zeivel
Assistant Counsel
Illinois EPA
217.524.1628

From: Rieser, David L. <David.Rieser@klgates.com>
Sent: Thursday, February 6, 2020 9:21 AM
To: Zeivel, Christine <Christine.Zeivel@illinois.gov>
Subject: [External] IMTT Permit [KLG-USE_Active01.FID1862130]

Christine:

Attached please find a draft of the extension motion I intend to file. Please respond that you are OK with it and I will get it on file.

Thanks.



David L. Rieser
Of Counsel
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