

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>DARE FARMS LLP (Property Identification</b>	)	
<b>Number 09-08-13-100-001</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>PCB 20-041</b>
	)	<b>(Tax Certification)</b>
<b>ILLINOIS ENVIRONMENTAL</b>	)	
<b>PROTECTION AGENCY,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

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 RESPONDENT’S SECOND MOTION FOR EXTENSION OF TIME TO FILE THE RECORD, copies of which are herewith served upon you.

Illinois Environmental Protection Agency

Dated: May 18, 2020

By: /s/ Michael S. Roubitchek  
Michael S. Roubitchek  
Assistant Counsel

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Division of Legal Counsel  
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**THIS FILING IS SUBMITTED ELECTRONICALLY**

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	)	
<b>Respondent.</b>	)	
	)	

**RESPONDENT’S SECOND MOTION FOR EXTENSION OF TIME TO FILE THE RECORD**

NOW COMES Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and pursuant to 35 Ill. Adm. Code 125.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant this Second Motion for Extension of Time to File the Record until July 1, 2020. In support of its motion, Respondent states as follows:

1. On July 30, 2018, and supplemented on September 25, 2018, November 7, 2019 and November 20, 2019, Dare Farms LLP (“Petitioner) filed an application seeking Board certification that certain of its facilities qualified as “pollution control facilities” for property tax purposes.
2. On January 7, 2020, pursuant to the requirements of 35 Ill. Adm. Code 125.204, the Illinois EPA filed its recommendation with the Board regarding the Petitioner’s application for tax certification (the “Recommendation”). In its Recommendation, the Illinois EPA recommended that a portion of Petitioner’s facilities be deemed eligible for tax certification by the Board, and also recommended that certain other portions of Petitioner’s facilities be denied tax certification by the Board.
3. On January 16, 2020, the Board issued an Order indicating that Petitioner had 35 days after being served with the Illinois EPA’s Recommendation, on or before February 18, 2020, if it wished to contest the portion of the Recommendation that recommended denial of tax certification by the Board.
4. On February 13, 2020, Petitioner filed its petition to contest the portion of Illinois EPA’s Recommendation that recommended denial of tax certification by the Board (the “Initial Petition”). The Initial Petition was filed by Henry Dare and Phil Dare, on behalf of Dare Farms LLP.

5. On February 20, 2020, the Board issued an Order accepting the Initial Petition as timely filed but deficient since the petition was required to be filed by an attorney. The Board gave Petitioner until March 23, 2020 to file an amended petition.

6. On March 20, 2020, an Amended Petition for Review and Reconsideration (the "Amended Petition") was filed by counsel, on behalf of Petitioner.

7. Pursuant to 35 Ill. Adm. Code 125.208, the Illinois EPA must file with the Board the entire record on which it based its Recommendation within 30 days after a petition to contest has been filed, or within an amount of time that the Board or hearing officer orders.

8. In response to the current COVID-19 pandemic, on April 1, 2020, the Governor of Illinois issued Executive Order 2020-18, which required all residents of Illinois to stay at home until April 30, 2020. Pursuant to Executive Order 2020-33, the Governor's stay-at-home requirements were extended until May 29, 2020.

9. While the COVID-19 pandemic is still ongoing, the Illinois EPA has required all employees, except for its most essential, to stay out of the office and work remotely from home. During this time, members of the Illinois EPA's Division of Legal Counsel have very limited access to the office, and to the files within the office, except for any files that can be accessed remotely at home. Accordingly, the Division of Legal Counsel is unable to fully access its files regarding its Recommendation in this matter and is unable to effectively work with staff in its Bureau of Water to compile and file the Record, as required by 35 Ill. Adm. Code 125.208.

10. The Illinois EPA therefore respectfully requests additional time to compile and file the record on which it based its Recommendation. Counsel for Petitioner has been contacted and does not oppose this request.

WHEREFORE, Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, moves the Illinois Pollution Control Board to grant this Second Motion for Extension of Time to File the Record pursuant to 35 Ill. Adm. Code 125.208 until July 1, 2020.

Respectfully Submitted,

Illinois Environmental Protection Agency

Dated: May 18, 2020

By: /s/ Michael S. Roubitchek  
Michael Roubitchek  
Assistant Counsel

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**CERTIFICATE OF SERVICE**

I, the undersigned, on affirmation state the following:

That I have served the attached RESPONDENT'S SECOND MOTION FOR EXTENSION OF TIME TO FILE RECORD by e-mail upon Ronald Weber at the e-mail address of [rweber@fwslawyers.com](mailto:rweber@fwslawyers.com), upon Don Brown at the e-mail address of [don.brown@illinois.gov](mailto:don.brown@illinois.gov), upon Carol Webb at the e-mail address of [Carol.Webb@Illinois.gov](mailto:Carol.Webb@Illinois.gov), and upon the Illinois Department of Revenue at [REV.PropTaxApp@illinois.gov](mailto:REV.PropTaxApp@illinois.gov).

That my e-mail address is [Mike.Roubitchek@Illinois.gov](mailto:Mike.Roubitchek@Illinois.gov).

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

That the e-mail transmission took place before 5:00 p.m. on the date of May 18, 2020.

/s/ Michael S. Roubitchek  
May 18, 2020