

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BP PRODUCTS NORTH AMERICA, INC.,)	
)	
Petitioner,)	
)	
v.)	
)	PCB 24-26
ILLINOIS ENVIRONMENTAL)	(Permit Appeal—Land)
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List (Via Electronic Filing)

PLEASE TAKE NOTICE that the undersigned filed today with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following MOTION FOR EXTENSION OF TIME TO FILE THE RECORD, a copy of which is attached hereto and hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Andrew Armstrong
 Andrew Armstrong, #6282447
 Assistant Attorney General
 Environmental Bureau
 500 South Second Street
 Springfield, Illinois 62706
 (217) 782-7968
 andrew.armstrong@ilag.gov

Dated: March 26, 2024

SERVICE LIST

Alexander J. Bandza
BARNES & THORNBURG LLP
One N. Wacker Drive, Suite 4400
Chicago, IL 60606-2833
abandza@btlaw.com

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274
carol.webb@illinois.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 26, 2024, before 5:00 PM, he caused to be served by electronic mail, a true and correct copy of the following instruments entitled Notice of Filing and Motion for Extension of Time to File the Record to:

Alexander J. Bandza
BARNES & THORNBURG LLP
One N. Wacker Drive, Suite 4400
Chicago, IL 60606-2833
abandza@btlaw.com

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274
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This email transmission contains 5 pages.

/s/ Andrew Armstrong
andrew.armstrong@ilag.gov
Assistant Attorney General
Environmental Bureau

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Andrew Armstrong
Assistant Attorney General
Environmental Bureau

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MOTION FOR AN EXTENSION OF TIME TO FILE THE RECORD

NOW COMES Respondent, the Illinois Environmental Protection Agency, by and through its attorney, KWAME RAOUL, Attorney General of the State of Illinois, and hereby moves for an extension of time to file the administrative record in this matter pursuant to Sections 101.522 and 105.116 of the Board’s regulations, 35 Ill. Adm. Code 101.522 and 105.116. In support thereof, Respondent states as follows:

1. On September 29, 2023, Respondent issued a renewed RCRA post-closure permit to Petitioner.
2. On October 24, 2023, Respondent filed a Request for Ninety Day Extension of Appeal Period, to allow the parties additional time to discuss disputed issues and potentially limit the scope of any hearing. Petitioner concurred with the request.
3. On November 2, 2023, the Board extended the time for appeal to February 5, 2024.
4. On February 5, 2024, Petitioner filed its Petition to Appeal Illinois EPA’s Issuance of a Post-Closure RCRA Permit.
5. On February 15, 2024, the Board accepted the Petition for review.
6. Petitioner and Respondent have continued their discussions regarding disputed issues to potentially limit the scope of any hearing.

7. Per Board rules, the administrative record was due on or before March 5, 2024. In the interest of efficiency and to concentrate available resources on further discussions, Respondent seeks an extension of sixty (60) days to file the administrative record, to May 6, 2024.

8. Counsel for Petitioner has advised the undersigned counsel for Respondent that Petitioner does not object to Respondent's request.

9. Respondent's request for additional time is for good cause and will not prejudice Petitioner or unduly delay this matter.

WHEREFORE, for the reasons set forth above, Respondent requests an extension of time until and including May 6, 2024 to file the administrative record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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Andrew Armstrong, #6282447
Assistant Attorney General
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