

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

RCH NEWCO II,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 2024-066
	)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF ELECTRONIC FILING**

To: *See Attached Service List*

PLEASE TAKE NOTICE that on the 7th of August, 2024, I caused to be filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the attached Respondent’s Motion for Extension of Time to File Response to Petitioner’s Request for Stay, copies of which are attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

s/ Kevin Garstka  
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**SERVICE LIST**

Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
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(by *electronic filing*)

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**CERTIFICATE OF SERVICE**

I, Kevin Garstka, an Assistant Attorney General, hereby certify that on the 7<sup>th</sup> of August, 2024, I caused to be served the foregoing Notice of Electronic Filing and Motion for Extension of Time to File Response to Petitioner's Request for Stay upon the parties named on the attached Service List, via e-mail or electronic filing as indicated.

s/ Kevin Garstka

Kevin Garstka

Assistant Attorney General

Office of the Illinois Attorney General

Environmental Bureau

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AGENCY,	)	
	)	
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**RESPONDENT’S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO  
PETITIONER’S MOTION TO STAY**

Now comes Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“IEPA”), by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to 35 Ill. Adm. Code 101.522, hereby moves for an extension of time until September 6, 2024, in which to file Illinois EPA’s response to Petitioner’s, RCH NEWCO II (“RCH Newco”), Request to Stay. In support of this filing, Illinois EPA states as follows:

1. On July 19, 2024, Petitioner filed its Petition to Appeal Illinois EPA’s Final Determination (“Petition”) and Request to Stay (“Request to Stay”) with the Illinois Pollution Control Board (“Board”).
2. On July 19, 2024, Illinois EPA received RCH Newco’s Petition and Request to Stay.
3. On July 23, 2024, the Illinois Attorney General’s Office received Illinois EPA’s request for representation in the above-captioned matter.
4. Pursuant to Section 101.500(d) of the Board Procedural Rules, 35 Ill. Adm Code 101.500(d), a party may file a response to a motion within 14 days after service of the motion. Therefore, Respondent’s response to the Request to Stay would have been due by August 2, 2024.
5. Pursuant to Section 101.522 of the Board Procedural Rules, 35 Ill. Adm. Code 101.522, if a party’s motion shows good cause, the Board or hearing office may extend any deadline required by this part.

6. Due to unforeseen circumstances, the AGO is currently reviewing the relevant documents and information for purposes of filing its response to the Request to Stay.

7. The Petition is on the Board's August 8, 2024 Meeting Agenda ("Agenda").

8. Although the Agenda does not indicate that the Request to Stay is before the Board at this time, out of an abundance of caution, by this filing, Respondent informs the Board and RCH Newco that it requests an extension of time to file a response to the Request the Stay.

9. Based on the foregoing, Respondent respectfully requests that pursuant to Section 101.522 of the Board Procedural Rules, 35 Ill. Adm. Code 101.522, the Board hearing officer enter an order granting the Respondent's motion to extend the deadline for Respondent to file its response to the Motion to Stay until September 6, 2024.

WHEREFORE, for the reasons stated herein, Respondent respectfully requests that the Board hearing officer enter an order granting the Respondent's motion to extend the deadline for Respondent to file its response to the Request to Stay until September 6, 2024.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

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