

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.)	
)	
)	
Petitioner,)	PCB No. 2025-002
)	
v.)	(Permit Appeal - Land)
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Attached Service List Via Email

PLEASE TAKE NOTICE THAT today I caused to be electronically filed with the Clerk of the Illinois Pollution Control Board, via the “COOL” System, the Respondent’s Motion for Extension of Time to File Record of Appeal, true and correct copy of which is attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

By: /s/ Elizabeth Dubats
Elizabeth Dubats
Assistant Attorney General
Environmental Bureau
Illinois Attorney General’s Office
69 W. Washington St., 18th Floor
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Dated: August 15, 2024

SERVICE LIST

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CERTIFICATE OF SERVICE

I, Elizabeth Dubats, an Assistant Attorney General, caused to be served on this 15 day of August, 2024, a true and correct copy of the Notice of Filing and Motion for Extension of Time to file Record upon the persons listed on the Service List via electronic mail with return receipt.

/s/ Elizabeth Dubats

Elizabeth Dubats

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

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

NOW COMES Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through the Attorney General of the State of Illinois, KWAME RAOUL, and pursuant to 35 Ill. Adm. Code 105.116(a) and 35 Ill. Adm. Code 101.522, hereby moves for an extension of time until September 23, 2024, in which to file the Agency record for this permit appeal. In support of its motion, the Illinois EPA states as follows:

1. On July 23, 2024, Petitioner filed a petition asking the Illinois Pollution Control Board (“Board”) to review Illinois EPA’s June 18, 2024 determination denying Petitioner’s permit application to accept leachate from other Waste Management facilities for treatment and disposal in its leachate evaporator (“Petition”).

2. On August 8, 2024, the Board accepted the Petition for hearing, and ordered that Illinois EPA must file the entire record of determination by Thursday, August 22, 2024, 30 days after the Board received the Petition.

3. Section 105.116 of the Board’s Regulations regarding Appeals of Final Decisions of State Agencies, 35 Ill. Adm. Code 105.116, provides as follows:

a) The State agency must file with the Board the entire record of the Agency’s or OSFM’s decision, as applicable, within 30 days after the filing of the petition for

review, unless this Part provides otherwise, or the Board or hearing officer orders a different filing date. If the Agency or OSFM wishes to seek additional time to file its record, it must file a request for extension before the date on which its record is due to be filed....

b) The Agency record or OSFM record, as applicable, must be arranged in chronological sequence, or by category of material and chronologically within each category, and must be sequentially numbered with the letter "R" placed before the number of each page. This page number must appear in the top right corner of each page. The Agency record or OSFM record must be certified by the applicable State agency. The certification must be entitled "Certificate of Record on Appeal". The Certificate must contain an index that lists the documents comprising the Agency record or OSFM record and shows the page numbers upon which each document starts and ends. The Certificate of Record must be served on all parties by the State agency.

4. Section 101.522 of the Board's General Rules, 35 Ill. Adm. Code 101.522

provides as follows:

If a party's motion shows good cause, the Board or hearing officer may extend any deadline required by this Part. The motion may be filed either before or after the deadline expires.

5. In the process of reviewing and preparing the administrative record for filing Respondent discovered that, Carlos Khairallah, the assigned permit reviewer and custodian of the permit file, is currently out of the office and unavailable to aid the identification of e-mail attachments or to certify the record until September 10, 2024.

6. To ensure the administrative record is complete, properly sequenced, and certified in compliance with the requirements of 35 Ill. Adm. Code 105.116(b), Illinois EPA is requesting a 30-day extension of time, until September 23, 2024, to allow Mr. Khairallah time to review and certify the administrative record.

7. Section 105.116(a) allows the Agency to seek additional time to file its record before the date on which the record is due to be filed. In this instance, the Agency is seeking additional time before the August 22, 2024 due date.

8. Under Section 101.522 of the Board's General Rule's, the Board or hearing officer may extend any deadline required under the Board's General Rules, which are "generally applicable to proceedings before the Illinois Pollution Control Board" (*see* Section 101.100(a)) if a party's motion shows good cause. In this instance, the requested extension would serve the good cause of ensuring a complete and accurate administrative record.

WHEREFORE, for the reasons stated herein, the Illinois EPA respectfully requests that the Board or hearing officer enter an order: (i) granting the Illinois EPA's motion; (ii) extending the deadline for Illinois EPA to file the record until September 23, 2024; and (iii) for such other relief as the Board or hearing officer deems appropriate.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

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Dated: August 15, 2024