

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SOUTHWIND RAS I LLC,	)	
	)	
	)	
Petitioner,	)	PCB No. 2026-014
	)	
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, Illinois Environmental Protection Agency's Unopposed Motion for Extension of Time to File Record, a true and correct copy of which is attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

By: /s/ Elizabeth Dubats
Elizabeth Dubats
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Illinois Attorney General's Office
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Dated: September 11, 2025

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CERTIFICATE OF SERVICE

I, Elizabeth Dubats, an Assistant Attorney General, caused to be served on this 11th day of September, 2025, a true and correct copy of the Notice of Filing and Respondent, Illinois Environmental Protection Agency's Unopposed 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 UNOPPOSED 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 in which to file the Agency record for this permit appeal until November 12, 2025. In support of its motion, the Illinois EPA states as follows:

1. On August 13, 2025, Petitioner filed a petition asking the Illinois Pollution Control Board ("Board") to review Illinois EPA's July 21, 2025 determination denying Petitioner's application for a Beneficial Use Determination to blend recycled asphalt shingles ("RAS") with reclaimed asphalt pavement ("RAP") or other crushed coarse aggregate on unpaved roadways for dust control and road stabilization (BUD25-004) ("Petition").

2. On August 21, 2025, the Board accepted the Petition for hearing, and ordered that Illinois EPA must file the entire record of determination by Friday, September 12, 2025, 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 105.116(a) of the Board's Regulations allows Illinois EPA to seek additional time to file its record before the date on which the record is due to be filed. 35 Ill. Adm. Code 105.116. In this instance, Illinois EPA is seeking additional time before the September 12, 2025 due date.

5. 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.

6. The parties have conferred, and each has expressed interest in settlement of the Petition without hearing. A 60-day extension of the Administrative Record deadline would allow parties to focus their resources on settlement rather than litigation. The extension would serve the good cause of promoting judicial economy. "As an effective means of promoting judicial economy, settlements are generally encouraged and favored by the courts" *McCracken Contracting Co. v. R.L. De Prizio & Assocs., Inc.*, 122 Ill. App. 3d 680, 683 (1st Dist. 1984).

7. Under Section 101.522 of the Board's General Rules, 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 promoting judicial economy through settlement.

8. The Petitioner does not object to a 60-day extension of the Administrative Record deadline.

9. Granting the 60-day extension will not significantly delay this case, nor will Petitioner be prejudiced.

10. On Augst 28, 2025, Petitioner filed an open waiver of the statutory decision deadline, therefore an extension of the Administrative Record deadline would not upset the 120-day decision deadline for final action on the Petition.

WHEREFORE, for the reasons stated herein, Illinois EPA respectfully requests that the Board or hearing officer enter an order: (i) granting Illinois EPA's motion; (ii) extending the deadline for Illinois EPA to file the record until November 12, 2025; 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: September 11, 2025