

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 17 2004

STATE OF ILLINOIS  
Pollution Control Board

METROPOLITAN WATER )  
RECLAMATION DISTRICT OF )  
GREATER CHICAGO )

Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Respondent. )

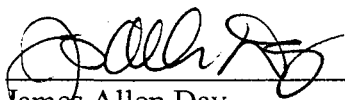
PCB 05-31  
(Permit Appeal-NPDES)

**NOTICE OF FILING**

TO: **See Attached Service List**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an original and nine (9) copies of the **APPEARANCE AND MOTION TO POSTPOSE FILING RECORD** of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:   
James Allen Day  
Assistant Counsel  
Division of Legal Counsel

Dated: September 14, 2004  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
(217) 782-5544

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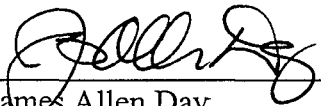
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APPEARANCE

The undersigned, as one of its attorneys, hereby enters an APPEARANCE on behalf of the Respondent, Illinois Environmental Protection Agency.

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**MOTION TO POSTPONE FILING RECORD**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), through its attorney, James Allen Day, respectfully moves the Illinois Pollution Control Board ("Illinois PCB" or "Board") to postpone the filing date for the Illinois EPA record in this case. In support thereof the Illinois EPA states as follows:

1. Metropolitan Water Reclamation District of Greater Chicago, ("Petitioner") filed this National Pollutant Discharge Elimination System ("NPDES") Permit Appeal with the Board on August 18, 2004.
2. The Illinois EPA received the Petitioner's petition on August 20, 2004.
3. Pursuant to 35 Ill. Adm. Code 105.212(a) the Illinois EPA must file its entire record of its decision with the Clerk in accordance with 35 Ill. Adm. Code 105.116.
4. Pursuant to 35 Ill. Adm. Code 105.116, the Illinois EPA must file with the Board the entire record of its decision within 30 days after the filing of the petition for review. Thus, the record-filing deadline in this matter is September 17, 2004.
5. Pursuant to 35 Ill. Adm. Code 105.116 the Illinois EPA may seek additional time to file the record by filing a request for extension before the date on which the record is

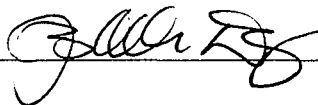
due to be filed.

6. Pursuant to 35 Ill. Adm. Code 101.522 the Board, for good cause shown on a motion after notice to the opposite party, may extend the time for filing any document or doing any act which is required by these rules to be done within a limited period, either before or after the expiration of time.
7. Due to the pre-existing obligations of the Illinois EPA attorney assigned to this matter, coupled with the unexpected unavailability of a key member of the Illinois EPA legal support staff, the Illinois EPA cannot reasonable meet the September 17, 2004 deadline for filing of the record in this matter.
8. The Petitioner and the Illinois EPA are working toward an agreed resolution of this matter. The parties agree that filing of the record may be delayed while these negotiations are ongoing.

Therefore, the Illinois EPA moves the Illinois PCB to extend the time of filing the Agency record until December 17, 2004.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James Allen Day  
Assistant Counsel  
Division of Legal Counsel

DATED: September 14, 2004

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