| VILLAGE OF LAKE BARRINGTON CUBA TOWNSHIP, PRAIRIE RIVERS NETWORK, SIERRA CLUB, BETH WENTZEL and CYNTHIA SKRUKRUD Petitioners, |)))) | OCT - 4 2004 STATE OF ILLINOIS Pollution Control Board |
|---|---|--|
| v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and VILLAGE OF WAUCONDA Respondents. |) PCB 05-55) (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 <u>APPEARANCES AND MOTION TO POSTPOSE FILING RECORD</u> 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 30, 2004

Illinois Environmental Protection Agency

1021 North Grand Avenue East

Springfield, Illinois 62794-9276

(217) 782-5544

THIS FILING PRINTED ON RECYCLED PAPER

| VILLAGE OF LAKE BARRINGTON |) | | RECEIVED |
|-------------------------------|---|-----------------------|--|
| CUBA TOWNSHIP, PRAIRIE RIVERS |) | | CLERK'S OFFICE |
| NETWORK, SIERRA CLUB, BETH |) | | OCT - 4 2004 |
| WENTZEL and CYNTHIA SKRUKRUD |) | | |
| Petitioners, |) | | STATE OF ILLINOIS Pollution Control Board |
| v. |) | PCB 05-55 | |
| |) | (Permit Appeal-NPDES) | |
| ILLINOIS ENVIRONMENTAL |) | - | |
| PROTECTION AGENCY and |) | | |
| VILLAGE OF WAUCONDA |) | | |
| |) | | |
| Respondents. |) | | |

MOTION TO POSTPONE FILING RECORD

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), through one of its attorneys, 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:

- Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club,
 Beth Wentzel and Cynthia Skrukrud ("Petitioners") filed this National Pollutant
 Discharge Elimination System ("NPDES") Permit Appeal with the Board on
 September 17, 2004.
- 2. The Illinois EPA received the Petitioner's petition on September 20, 2004.
- 3. The Pollution Control Board has received two other third-party appeals involving the same permit (docket numbers PCB 05-58 and PCB 05-59).
- 4. 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.

5. 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 October 17, 2004.

6. 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.

7. Pursuant to 35 III. 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.

8. Due to the pre-existing obligations of the Illinois EPA attorneys assigned to this

matter, the unusually large volume of documents expected to comprise the record,

the number of parties to whom copies of the record must be distributed and the

unexpected unavailability of a key member of the Illinois EPA legal support staff, the

Illinois EPA cannot reasonable meet the October 17, 2004 deadline for filing of the

record in this matter.

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 PROTECTIONAGENCY

James Allen Day

Assistant Counsel

Division of Legal Counsel

DATED: September 30, 2004

Illinois Environmental Protection Agency 1021 North Grand Avenue East Post Office Box 19276 Springfield, Illinois 62794-9276 (217) 782-5544

| VILLAGE OF LAKE BARRINGTON CUBA TOWNSHIP, PRAIRIE RIVERS | RECEIVED CLERK'S OFFICE |
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| ILLINOIS ENVIRONMENTAL |) |
| PROTECTION AGENCY and |) |
| VILLAGE OF WAUCONDA |) |
| |) |
| Respondents. |) |

APPEARANCE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:

James Allen Day

Assistant Counsel

Division of Legal Counsel

Dated: September 30, 2004

Illinois Environmental Protection Agency

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| PROTECTION AGENCY and |) | |
| VILLAGE OF WAUCONDA |) | |
| |) | |
| Respondents. |) | |

APPEARANCE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:

Sanjay Kumar Sofat **Assistant Counsel** Division of Legal Counsel

Dated: September 30, 2004 Illinois Environmental Protection Agency

1021 North Grand Avenue East Springfield, Illinois 62794-9276

(217) 782-5544

| STATE OF ILLINOIS |) | |
|--------------------|---|----|
| |) | SS |
| COUNTY OF SANGAMON |) | |

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached **NOTICE OF FILING**, **APPEARANCES**, and **MOTION TO POSTPONE FILING RECORD** upon the persons to whom those documents are directed, by placing copies in an envelope addressed to:

Dorothy Gunn, Clerk Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, IL 60601 Percy L. Angelo Russell R. Eggert Kevin G. Desharnais Mayer, Brown, Rowe & Maw, LLP 190 South LaSalle Street Chicago, Illinois 60603

and mailing it from Springfield, Illinois on September 30, 2004 with sufficient postage affixed for first class mail.

James Allen Day

SUBSCRIBED AND SWORN BEFORE ME THIS 30TH DAY OF SEPTEMBER, 2004.

OFFICIAL SEAL
PENNY J. TINDER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 3-2-2008

HIS FILING PRINTED ON RECYCLED PAPER