

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT - 4 2004

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF LAKE BARRINGTON)
CUBA TOWNSHIP, PRAIRIE RIVERS)
NETWORK, SIERRA CLUB, BETH)
WENTZEL and CYNTHIA SKRUKRUD)

Petitioners,)

v.)

PCB 05-55
(Permit Appeal-NPDES)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and)
VILLAGE OF WAUCONDA)


Respondents.)

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 APPEARANCES 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 30, 2004
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING PRINTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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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:

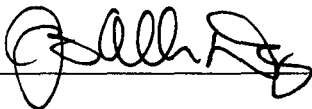
1. Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel and Cynthia Skrukrud ("Petitioners") filed this National Pollutant Discharge Elimination System ("NPDES") Permit Appeal with the Board on September 17, 2004.
2. The Illinois EPA received the Petitioner's petition 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 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.
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 PROTECTION AGENCY



James Allen Day
Assistant Counsel
Division of Legal Counsel

DATED: September 30, 2004

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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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:  _____
James Allen Day
Assistant Counsel
Division of Legal Counsel

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Illinois Environmental Protection Agency
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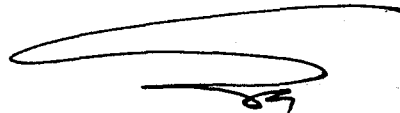
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(Permit Appeal-NPDES)

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
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Springfield, Illinois 62794-9276
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