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DEC 13 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PROPOSED 35 Ill. Adm. Code 304.123(g),) R04-26
304.123(h), 304.123(i), 304.123(j), and 304.123(k)) (Rulemaking - Water)

NOTICE OF FILING

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

John Knittle
Hearing Officer
Illinois Pollution Control Board
2125 South First Street
Champaign, Illinois 61820


Mathew Dunn
Illinois Attorney General's Office
Environmental Control Division
James R. Thompson Center
100 West Randolph Street
11th Floor
Chicago, Illinois 60601

Jonathan Furr
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

ALSO SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the **MOTION FOR EXTENSION OF TIME** of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Sanjay K Sofat
Assistant Counsel
Division of Legal Counsel

Dated: December 9, 2004
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

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MOTION FOR EXTENSION OF TIME TO FILE THE AGENCY COMMENTS

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), through its attorney, Sanjay K. Sofat, respectfully moves the Illinois Pollution Control Board ("Illinois PCB" or "Board") to GRANT the Illinois EPA's Motion For Extension of Time. In support thereof the Illinois EPA states as follows:

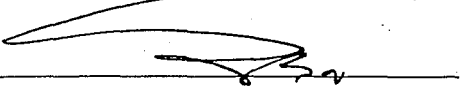
1. On May 14, 2004, the Agency filed a proposal pursuant to Section 28 of the Environmental Protection Act ("Act") to amend 35 Ill. Adm. Code 304.123 of the Board regulations.
2. The Board held the first hearing on August 30, 2004 in Chicago.
3. The second hearing was held on October 25, 2004 in Springfield.
4. Pursuant to the Hearing Officer's Order, November 23, 2004, public comments are due on or before December 10, 2004.
5. 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.
6. The undersigned attorney has been unable to devote any substantial time or resources to the Agency's comments due to other pre-existing obligations.

7. Also, due to the unexpected unavailability of key members of the Illinois EPA technical staff, the Illinois EPA cannot reasonably meet the December 10, 2004 deadline for filing of the Agency comments in this matter.
8. Prior to filing this Motion, the undersigned attorney contacted the following attorneys regarding the request for extension of time to file public comments: Mr. Roy Harsch, counsel for the Illinois Association of Wastewater Agencies; Mr. Albert F. Ettinger, counsel for the Environmental Law and Policy Center, the Prairie Rivers Network, and the Sierra Club; Mr. Robert A. Messina, counsel for the Illinois Environmental Regulatory Group; and Mr. Ron Hill, counsel for Metropolitan Water Reclamation District of Greater Chicago.
9. The above-mentioned attorneys have no objection to the substance of the Agency's request for extension of time.
10. Based on the fore-going reasons, the Illinois EPA formally requests an extension of time of approximately 11 days in which to file its comments with the Board.
11. In the interest of fairness, the Illinois EPA requests the Board to extend the public comments deadline in this matter to December 21, 2004.

WHEREFORE the Illinois EPA respectfully request that the Board to GRANT this Motion and issue an order allowing the Illinois EPA and other stakeholders to file the comments with the Board in this matter by no latter than Tuesday, December 21, 2004.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Sanjay K. Sofat
Assistant Counsel
Division of Legal Counsel

DATED: December 9, 2004

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STATE OF ILLINOIS)

)

SS

COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached the **MOTION TO POSTPONE FILING RECORD** upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

John Knittle
Hearing Officer
Pollution Control Board
2125 South First Street
Champaign, Illinois 61820

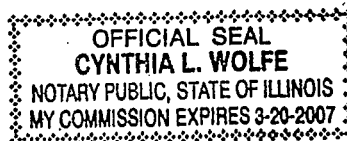
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100 West Randolph Street
Chicago, Illinois 60601

Jonathan Furr
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

ALSO SEE ATTACHED SERVICE LIST

Nancy J. Lampert

SUBSCRIBED AND SWORN BEFORE ME
THIS 9th DAY OF DECEMBER 2004.



Cynthia L. Wolfe

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