

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

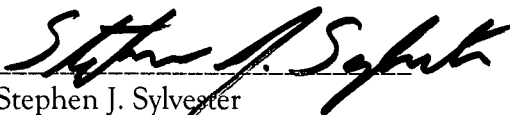
INTERMART, INC.,)	
)	
Petitioner,)	
)	PCB 09-34
v.)	(UST Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Elizabeth S. Harvey
Swanson Martin, & Bell
One IBM Plaza
330 North Wabash
Suite 3300
Chicago, IL 60611

PLEASE TAKE NOTICE that I have today caused to be filed a MOTION FOR EXTENSION OF TIME TO FILE AGENCY RECORD with the Illinois Pollution Control Board, a copy of which is served upon you.


Stephen J. Sylvester
Assistant Attorney General

Office of the Illinois Attorney General
Environmental Bureau
69 West Washington Street, 18th Fl.
Chicago, IL 60602
(312) 814-2087
ssylvester@atg.state.il.us

Dated: December 19, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

INTERMART, INC.,)	
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Petitioner,)	
)	PCB 09-34
v.)	(UST Appeal)
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ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
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MOTION FOR EXTENSION OF TIME TO FILE AGENCY RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA" or "Agency"), through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, and Assistant Attorney General Stephen Sylvester, her duly appointed assistant, respectfully moves the Illinois Pollution Control Board ("Board") to extend the time for filing the Agency record. In support thereof, the Illinois EPA states as follows:

1. On September 29, 2008, Intermart, Inc. ("Intermart") filed a High Priority Corrective Action Plan ("CAP") and Budget with the Illinois EPA.
2. On October 20, 2008, the Illinois EPA issued its decision, rejecting both the CAP and the Budget.
2. On November 24, 2008, the Petitioner filed with the Board a petition for review of the Illinois EPA's October 20, 2008 decision.
3. In an order entered December 4, 2008, the Board required the Illinois EPA to file the entire record of its determination by December 24, 2008 [sic]. The Board further ordered: "If

the Agency wishes to seek additional time to file the record, it must file a request for extension of time before the date on which the record is to be filed.”

4. The Illinois EPA believes the issues raised by Petitioner in its petition can be resolved, if given ample time. Thus, it would not be prudent to file the entire record at this time. Instead, the Illinois EPA is requesting an extension of time to file the entire record.

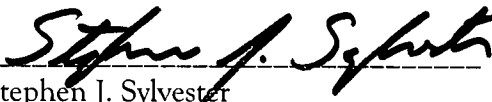
5. Counsel for the Illinois EPA has contacted the Petitioner's attorney, and Petitioner agrees to the extension of time to resolve the issues.

Therefore, the Illinois EPA respectfully requests the Board to extend the time for filing the Agency record for an additional 60 days.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By:


Stephen J. Sylvester
Assistant Attorney General

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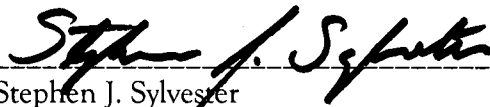
I, the undersigned attorney at law, hereby certify that on December 19, 2008, I served true and correct copies of a MOTION FOR EXTENSION OF TIME TO FILE AGENCY RECORD upon the persons and by the methods as follows:

[Electronic filing]

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

[First Class U.S. Mail]

Elizabeth S. Harvey
Swanson Martin, & Bell
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