

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY)	
)	
Petitioner,)	
)	PCB No. 11-043
)	
v.)	(Permit Appeal-Air)
)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on the 17th day of February, 2011, the Respondent filed its Request for Extension of Time to File Response, and Request for Extension of Time to file Record, by electronic filing. True and accurate copies of the documents so filed are attached hereto and herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By LISA MADIGAN
Attorney General of the
State of Illinois



Christopher J. Grant
Assistant Attorney General
Environmental Bureau
69 W. Washington Street
Suite 1800
Chicago Illinois, 60602
(312)814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
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Petitioner,)	
)	
v.)	PCB No. 11-043
)	(Permit Appeal-Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE

Now comes Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by LISA MADIGAN, Attorney General of the State of Illinois, and respectfully requests a six (6) day extension to respond to Petitioner’s Motion to Confirm Automatic Stay of Effectiveness of Federally Enforceable State Operating Permit or, in the Alternative, to Request Stay of Effectiveness (“Motion to Stay”). In support of its request, Respondent states as follows.

1. Petitioner KCBX Terminals Company (“KCBX”) filed the instant Permit Appeal and Motion to Stay on February 1, 2011, and served Illinois EPA by first class mail. Pursuant to Sections 101.300 and 101.500 of the Board’s Procedural Rules, unless extended by the Board, a Response to the Motion to Stay is due by February 22, 2011.

2. Petitioner’s Motion raises issues that must be evaluated in light of the General Assembly’s Amendment of 415 ILCS 5/40.2 (2010). The undersigned request the additional time so that the effect of this amendment on the stay of uncontested permit conditions may be properly considered.

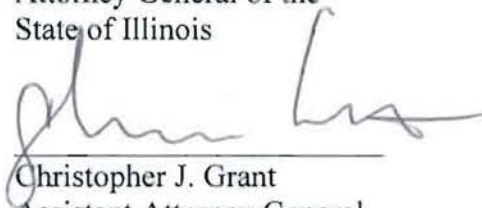
3. The first Hearing Officer Status is scheduled for February 28, 2011. Respondent

requests an additional six (6) days, until February 28, 2011, to file its Response to KCBX's Motion to Stay.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

by LISA MADIGAN
Attorney General of the
State of Illinois

A handwritten signature in black ink, appearing to read "Chris Grant", is written over a horizontal line.

Christopher J. Grant
Assistant Attorney General
Environmental Bureau
69 West Washington Street
Suite 1800
Chicago, Illinois 60602
(312) 814-5388

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REQUEST FOR EXTENSION OF TIME TO FILE RECORD

Now comes Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by LISA MADIGAN, Attorney General of the State of Illinois, and respectfully requests a thirty (30) day extension of time to file the record of Illinois EPA’s decision on the permit at issue in this case. In support of its request, Respondent states, as follows.

1. Petitioner KCBX Terminals Company (“KCBX”) filed this permit appeal with The Board on February 1, 2011. Pursuant to Section 105.116 of the Board’s Procedural Rules, unless an extension is granted, Illinois EPA is to file the record of its permit decision by March 4, 2011.

2. The instant case is the third permit appeal filed by Petitioner since June, 2008. By agreement, Illinois EPA obtained an extension of filing the record in the *second* appeal (PCB 10-110), and filed the record in that case on February 1, 2011, the same day this *third* permit appeal was filed by KCBX.

3. In this case, KCBX appeals certain conditions of the Site’s renewed FESOP permit, which covers all pertinent Site activities. Assembly of the record in this appeal will require significant time and resources. However, the undersigned is scheduled to travel to Illinois

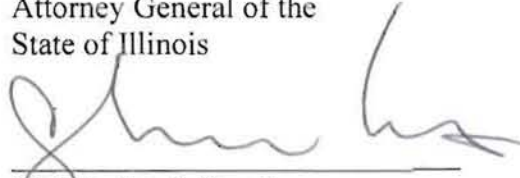
EPA's Springfield, Illinois offices on March 2-3, 2011 on other matters, and will also be able to assist in preparation of the record filing at that time.

4. Respondent requests that the Board grant an additional thirty (30) days for filing of Illinois EPA's record of decision, until April 4, 2011.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

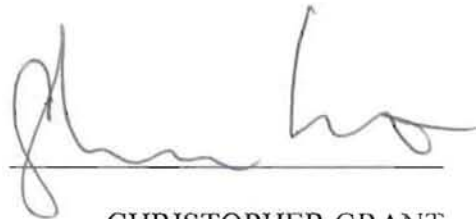
by LISA MADIGAN
Attorney General of the
State of Illinois

A handwritten signature in black ink, appearing to read "Christopher J. Grant", is written over a horizontal line.

Christopher J. Grant
Assistant Attorney General
Environmental Bureau
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(312) 814-5388

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 17th day of February, 2011, Respondent's Request for Extension of Time to File Response, Request for Extension of Time to File Record, and Notice of Filing, upon the persons listed below by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago, Illinois.

A handwritten signature in black ink, appearing to read 'Christopher Grant', is written over a horizontal line.

CHRISTOPHER GRANT

Mr. John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 W. Randolph
Chicago, Illinois 60601
(by electronic filing)

Ms. Katherine D. Hodge
Ms. Lauren C. Lurkins
Hodge Dwyer & Driver
3150 Roland Avenue
P.O. Box 5776
Springfield, Illinois 62705-5776
(by first class mail)

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