

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>VILLAGE OF CASEYVILLE, ILLINOIS</b>	)	
	)	
<b>Petitioner</b>	)	
	)	
<b>v.</b>	)	<b>PCB 06-164</b>
	)	
<b>ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,</b>	)	
	)	
<b>Respondent</b>	)	

**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 by electronic filing the **APPEARANCE and MOTION TO POSTPONE FILING RECORD** of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: \_\_\_\_\_/s/\_\_\_\_\_  
James Allen Day  
Assistant Counsel  
Division of Legal Counsel

Dated: June 4, 2006  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
(217) 782-5544

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<b>Petitioner</b>	)	
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<b>v.</b>	)	<b>PCB 06-164</b>
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<b>ILLINOIS ENVIRONMENTAL</b>	)	
<b>PROTECTION AGENCY,</b>	)	
	)	
<b>Respondent</b>	)	

**MOTION TO POSTPONE FILING RECORD**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), through one of its attorneys, James Allen Day, and pursuant to Section 105.116 of the Board rules, 35 Ill. Adm. Code Section 105.116, 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. On May 18, 2006, the Board ordered that the Illinois EPA record in this case is due to be filed on or before June 5, 2006.
2. As stated in the May 18, 2006, Board Order, and pursuant to 35 Ill. Adm. Code 105.116, if the Agency wishes to seek additional time to file the record, it must file a request for extension before the date on which the record is due to be filed.
3. Since the May 18, 2006, Board Order, the Petitioner and the Respondent have discussed this matter and discovered that the dispute is principally founded upon a misunderstanding regarding the Illinois EPA's action with respect to the permit at issue.
4. Mr. Kevin C. Kaufhold, counsel for the Petitioner, has informed the undersigned Illinois EPA attorney that, based upon the recent clarification from the Illinois

EPA, he will discuss with his client and consultants whether there remains a need to pursue the present petition.

5. The Agency Record in this matter contains oversized diagrams which make it especially burdensome to reproduce and distribute.
6. Reproducing and distributing copies of the Agency Record in this matter at this time would be potentially wasteful of Agency resources—human, fiscal and material—in light of the significant possibility of prompt withdrawal of the petition.
7. Delaying the filing of the Agency Record by two weeks, until June 19, 2006, would not delay these proceedings, in that the next scheduled event in this case is a status call on June 27, 2006, and the Petitioner has filed an open waiver of the decision deadline.

Therefore, the Illinois EPA respectfully moves the Hearing Officer to extend by two weeks the time for filing the Agency recommendation, until June 19, 2006, while maintaining the currently scheduled date for the next status call in this matter.

ENVIRONMENTAL PROTECTION  
AGENCY OF THE STATE OF ILLINOIS

By: \_\_\_\_\_/s/\_\_\_\_\_  
James Allen Day  
Assistant Counsel

DATED: June 4, 2006

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

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	)	
<b>Respondent</b>	)	

**A P P E A R A N C E**

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

ENVIRONMENTAL PROTECTION  
AGENCY OF THE STATE OF ILLINOIS

By: \_\_\_\_\_/s/\_\_\_\_\_  
James Allen Day  
Assistant Counsel  
Division of Legal Counsel

DATED: June 4, 2006

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

STATE OF ILLINOIS )  
COUNTY OF SANGAMON )  
)  
)  
)  
)

**PROOF OF SERVICE**

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite. 11-500  
Chicago, Illinois 60601

Kevin C. Kaufhold  
5111 West Main Street  
P.O. Box 23409  
Belleville, Illinois 62226-0409

Carol Webb, Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

and mailing it from Springfield, Illinois on June 5, 2006 with sufficient postage affixed for first class mail.

SUBSCRIBED AND SWORN TO BEFORE ME  
this fifth day of June, 2006

\_\_\_\_\_  
Notary Public