

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF CASEYVILLE, ILLINOIS)
)
 Petitioner)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent)

PCB 06-164

RECEIVED
CLERK'S OFFICE

JUN 07 2006


STATE OF ILLINOIS
Pollution Control Board

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: 
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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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:

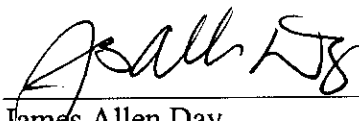
1. On May 18, 2006, the Board ordered that the Illinois EPA record in this case is due to be filed on or before June 5, 2006.
2. As stated in the May 18, 2006, Board Order, and pursuant to 35 Ill. Adm. Code 105.116, if the Agency wishes to seek additional time to file the record, it must file a request 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: 
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

STATE OF ILLINOIS

COUNTY OF SANGAMON

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PROOF OF SERVICE

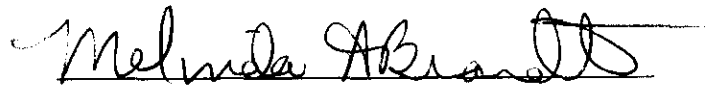
I, the undersigned, on oath state that I have served the attached **APPEARANCE and MOTION TO POSTPONE FILING RECORD**, upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

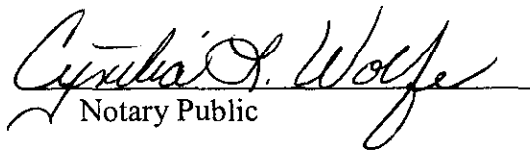
Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

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

