

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 05 2006

STATE OF ILLINOIS  
Pollution Control Board

K.A. STEEL CHEMICALS, INC. )  
 )  
 )  
 Petitioner, )  
 )  
 )  
 v. )  
 )  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 )  
 Respondents. )

PCB 07-009  
(Permit Appeal Water- NPDES)

NOTICE OF FILING

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

Maureen Martin  
The Martin Law Firm  
W3643 Judy Lane  
Green Lake, Wisconsin 54941

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an original and four (4) copies, the APPEARANCE and MOTION FOR EXTENSION OF TIME TO FILE AGENCY RECORD, 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: August 31, 2006  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
(217) 782-5544

THIS FILING PRINTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ORIGINAL

K.A. STEEL CHEMICALS, INC. )  
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Petitioner, )  
 )  
v. )  
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ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
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Respondents. )

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APPEARANCE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 

Sanjay K. Sofat  
Assistant Counsel  
Division of Legal Counsel

DATED: August 31, 2006  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

K.A. STEEL CHEMICALS, INC.        )  
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                                   Petitioner        )  
   )  
   )  
                                   vs.                )  
   )  
 ILLINOIS ENVIRONMENTAL        )  
 PROTECTION AGENCY,            )  
   )  
                                   Respondent.        )

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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, Sanjay K. Sofat, respectfully moves the Illinois Pollution Control Board ("Illinois PCB or Board") to extend the time for filing the Agency record. In support thereof, the Agency states as follows:

1. K.A. Steel Chemicals, Inc., ("Petitioner") filed this National Pollutant Discharge Elimination System ("NPDES") Permit (IL0022934) appeal on August 3, 2006.
2. On August 7, 2006, the Board received the Petitioner's petition ("Petition").
3. Pursuant to 35 Ill. Adm. Code Part 105.116, the Agency must file the entire record of its decision within thirty (30) days after the filing of the petition for review. Accordingly, the Agency must file the entire record by September 6, 2006.
4. Pursuant to 35 Ill. Adm. Code 105.116, if the Agency wishes to seek additional time, it must file a request for extension before the date on which the record is due to be filed.

5. Petitioner appeals on the grounds that the Illinois EPA failed to process its request for a change in receiving stream for discharges of non-contact cooling water prior to issuing the final permit. *Petition* at 3, ¶7.
6. The Agency believes the permit writer's oversight to incorporate the Petitioner's comments on the draft permit can be corrected. Since the issues between Petitioner and the Agency can be resolved, it would be prudent to file the entire record at this time. Instead, the Agency is requesting an extension of time to file the entire record.
7. The Agency has contacted the Petitioner's attorney, and Petitioner agrees to the extension of time to resolve the permit issues.

Therefore, the Agency respectfully requests the Illinois PCB to extend the time for filing the Agency record for additional 45 days.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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Sanjay K. Sofat  
Assistant Counsel  
Division of Legal Counsel

DATED: August 31, 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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STATE OF ILLINOIS  
COUNTY OF SANGAMON

ORIGINAL

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CLERK'S OFFICE

SEP 05 2006

STATE OF ILLINOIS  
Pollution Control Board

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached APPEARANCE and MOTION FOR EXTENSION OF TIME TO FILE AGENCY RECORD upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

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

Maureen Martin  
The Martin Law Firm  
W3643 Judy Lane  
Green Lake, Wisconsin 54941

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

and mailing it from Springfield, Illinois on August 31, 2006, with sufficient postage affixed as indicated above.

**SUBSCRIBED AND SWORN TO BEFORE ME**

this day of August 31, 2006.

*Brenda Boehner*

Notary Public



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