

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

LONE STAR INDUSTRIES, INC.,	)	
	)	
Petitioner,	)	
	)	PCB No. 07-71
v.	)	(Permit Appeal)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

NOTICE

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 N. Grand Ave. East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
{First Class Mail}

Katherine D. Hodge and Thomas G. Safley  
Hodge Dwyer Zeman  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, Illinois 62705-5776  
{First Class Mail}

PLEASE TAKE NOTICE that I have today filed with the assigned Hearing Officer a **MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD** of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the attorneys for the Petitioner.

Respectfully submitted by,

  
Robb H. Layman  
Assistant Counsel

Dated: February 28, 2007  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 524-9137

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PROTECTION AGENCY,	)	
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Respondent.	)	

**MOTION FOR EXTENSION OF TIME TO FILE**  
**ADMINISTRATIVE RECORD**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA" or "Respondent"), by and through its attorneys, and pursuant to 35 Ill. Adm. Code 105.116, files with the Hearing Officer this Motion for Extension of Time to File the Administrative Record in this cause. In support of this Motion, the Respondent states as follows:

1. On December 22, 2006, the Illinois EPA granted a revision to a construction permit, Construction Permit No. 06030057, to the Petitioner, LONE STAR INDUSTRIES, INC. (hereinafter "Lone Star"), to allow the use of Agricultural Seed Fuel Material as an alternative fuel in a kiln operated at the company's Portland cement manufacturing facility located in Oglesby, Illinois.

2. On or about January 26, 2007, Petitioner filed a petition with the Pollution Control Board ("Board") seeking an appeal of the Illinois EPA's permitting decision. Formal notice of the appeal was served on the Illinois EPA on January 29, 2007.

3. In accordance with the Board's procedural requirements set forth in 35 Ill. Adm. Code 105.116, the Illinois EPA's administrative record of the permit application is to be filed with the Board within 30 days after filing of the petition for appeal. In the present case, the Illinois EPA's filing of the administrative record is due on Wednesday, February 28, 2007.

4. At the present time, the parties have had limited opportunities to discuss the possibility of settlement of the claims surrounding Petitioner's challenge to the contested permit conditions. The task of preparing the administrative record of the permit application has not been completed by the undersigned attorney in advance of the filing date due to the press of other matters. Moreover, the preparation of the administrative record would be unduly burdensome unless or until it becomes evident that the appeal cannot be amicably resolved by the parties. For these reasons, the Illinois EPA seeks an extension of the time to file the administrative record until a date after such time that the parties report to the Hearing Officer that settlement is at an impasse or, alternatively, a date ordered by either the assigned Hearing Officer or Board.

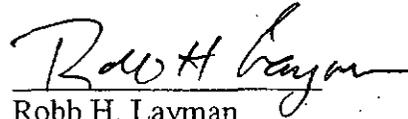
5. The undersigned attorney conferred with Petitioner's counsel, Mr. Thomas G. Safely, prior to the filing this motion and was informed that Petitioner would not object to the relief sought herein.

6. On a related matter, the Illinois EPA has no objection to the Petitioner's Motion to Stay the Effectiveness of the Contested Permit Conditions that was filed simultaneously with the Petition.

**WHEREFORE**, the Illinois EPA requests that the Hearing Officer grant this Motion extending the time in which the Illinois EPA must file the administrative record in this cause until a date after such time that the parties agree that settlement discussions are at an impasse or, alternatively, a date ordered by the assigned Hearing Officer or Board.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,



Robb H. Layman  
Assistant Counsel

Dated: February 28, 2007  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
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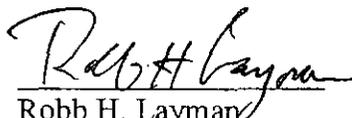
CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of February 2007, I did send, by first class mail and facsimile, the following instrument entitled **MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD** to:

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

and a true and correct copy of the same foregoing instrument, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Katherine D. Hodge and Thomas G. Safley  
Hodge Dwyer Zeman  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, Illinois 62705-5776

  
Robb H. Layman  
Assistant Counsel