

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PETITION OF APEX MATERIAL)
TECHNOLOGIES, LLC FOR AN) AS 2015-002
ADJUSTED STANDARD FROM) (Adjusted Standard – Land)
PORTIONS OF 35 ILL. ADM. CODE)
807.104 and 810.103, OR, IN THE)
ALTERNATIVE, A FINDING OF)
INAPPLICABILITY.)

Notice of Filing

TO: Mr. John Therriault
Clerk of the Board
Illinois Pollution Control Board
James R. Thomson Center
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601-3218

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thomson Center
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601-3218

Michelle Ryan
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62974-9276

PLEASE TAKE NOTICE that on this 29th day of September 2014, I have filed with the Office of the Clerk of the Illinois Pollution Control Board the following document entitled **APEX'S RESPONSE TO THE AGENCY'S MOTION FOR AN EXTENSION OF TIME**, which is attached and herewith served upon you.

Respectfully Submitted,

Apex Material Technologies, LLC

By: /s/ Joseph L. Pellis II
Joseph L. Pellis II

Dated: September 29, 2014

Joseph L. Pellis II
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**APEX’S RESPONSE TO THE AGENCY’S
MOTION FOR AN EXTENSION OF TIME**

NOW COMES Petitioner, APEX Material Technologies, LLC (“APEX”), in response to the Illinois Environmental Protection Agency’s (the “Agency”) Motion for an Extension of Time to File Agency Recommendation, states as follows:

1. On August 8, 2014, APEX filed a Petition for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.104 and 810.103, or, in the Alternative, a Finding of Inapplicability.
2. Pursuant to 35 Ill. Adm. Code 104.416, “[u]nless otherwise ordered,” the Agency’s Recommendation must be filed with the Illinois Pollution Control Board (the “Board”) “within 45 days after filing of the petition.”
3. As such, the Agency’s Recommendation would have been due on September 22, 2014.
4. On September 19, 2014, the Agency filed its Motion for an Extension of Time to File Agency Recommendation (the “Motion”).
5. The Motion stated that the Agency’s primary witness has been out of the country and unavailable for consultation during the majority of time the Agency has had to formulate its Recommendation.

6. APEX does not wish for the Agency to be prejudiced as a result of the Agency's inability to consult with its primary witness.

7. APEX does not oppose the Agency's Motion, and in fact requests that the Hearing Officer of the Board grant the Agency's Motion.

WHEREFORE, APEX Material Technologies, LLC requests that the Hearing Officer of the Illinois Pollution Control Board grant an extension of two weeks, to October 6, 2014, for the Illinois Environmental Protection Agency to file its Recommendation.

Respectfully submitted,

APEX MATERIAL TECHNOLOGIES, LLC

Dated: September 29, 2014

By: /s/ Joseph L. Pellis II

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Attorney for the Petitioner

CERTIFICATE OF SERVICE

I, Michael J. Tenuto, the undersigned, an attorney, certify that I have served the attached
APEX'S RESPONSE TO THE AGENCY'S MOTION FOR AN EXTENSION OF TIME,
upon:

Mr. John Therriault
Clerk of the Board
Illinois Pollution Control Board
James R. Thomson Center
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601-3218

via Electronic Filing and via FedEx on September 29, 2014; and upon:

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thomson Center
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601-3218

via FedEx on September 29, 2014; and upon:

Michelle Ryan
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62974-9276

via FedEx on September 29, 2014.

/s/ Michael J. Tenuto
Michael J. Tenuto