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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD SEP 24 2014

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PETITION OF APEX MATERIAL)
TECHNOLOGIES, LLC FOR AN)
ADJUSTED STANDARD FROM)
PORTIONS OF 35 ILL. ADM. CODE)
807.104 AND 810.103, OR, IN THE)
ALTERNATIVE A FINDING OF)
INAPPLICABILITY.)

AS 2015-002
(Adjusted Standard – Land)

 ORIGINAL

NOTICE OF FILING

To: Joseph L. Pellis II
Pellis Law Group, LLP
901 Warrenville Road, Suite 205
Lisle, Illinois 60532

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on this date I filed with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled MOTION FOR AN EXTENSION OF TIME TO FILE AGENCY RECOMMENDATION.

Respectfully Submitted,



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: September 19, 2014

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MOTION FOR AN EXTENSION OF TIME
TO FILE AGENCY RECOMMENDATION

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Assistant Counsel Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 101.500, 101.502 and 101.522, and respectfully states as follows:

(1) This motion for an extension of time is not dispositive of the proceeding and is therefore directed to the Hearing Officer.

(2) On August 8, 2014, APEX Material Technologies, LLC (“APEX”) filed a Petition for Adjusted Standard in the instant case.

(3) Pursuant to 35 Ill. Adm. Code 104.416, “[u]nless otherwise ordered,” Illinois EPA’s Recommendation is due “within 45 days after the filing of the petition”, or in this case, September 22, 2014.

(4) During the majority of time that Illinois EPA has had to review the Petition and formulate its Recommendation, Illinois EPA’s primary witness has been out of the country and unavailable for consultation. Said witness is scheduled to return to the office on the afternoon of September 22, 2014, the current due date for the Illinois EPA Recommendation.

(5) APEX has requested a hearing in this case (Petition, p. 27).

(6) Consultation with Illinois EPA's primary witness is essential in preparing an adequate and useful Recommendation to the Illinois Pollution Control Board ("Board"), and ensuring consistency with expected future testimony.

(7) Pursuant to 35 Ill. Adm. Code 101.522, the Board may allow for an extension of time for filing any document either before or after the due date.

(4) No prejudice will result to the Board by granting this motion, as this case does not contain a statutory decision deadline.

(5) No prejudice will result to the Petitioner, and Illinois EPA has no objection to a commensurate extension of Petitioner's time to respond.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Hearing Officer grant an extension of two weeks to October 6, 2014, for Illinois EPA to file its Recommendation in this case.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

DATED: September 19, 2014



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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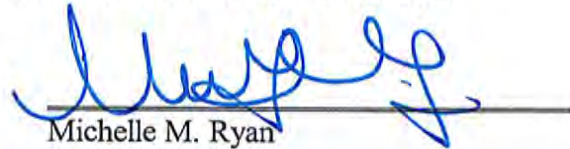
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SEP 24 2014

CERTIFICATION

STATE OF ILLINOIS
Pollution Control Board

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument entitled MOTION FOR AN EXTENSION OF TIME TO FILE AGENCY RECOMMENDATION are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: September 19, 2014

SEP 24 2014

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

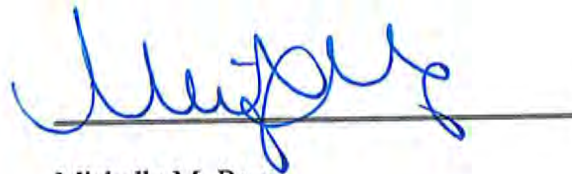
I hereby certify that I did on the 19th day of September, 2014, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION FOR AN EXTENSION OF TIME TO FILE AGENCY RECOMMENDATION

To: Joseph L. Pellis II
Pellis Law Group, LLP
901 Warrenville Road, Suite 205
Lisle, Illinois 60532

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601

and the original and nine (9) copies of the same foregoing instrument on the same date

To: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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