

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BRICKYARD DISPOSAL &
RECYCLING, INC.,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

PCB No. 16-66
(Permit Appeal-Land)

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on April 27, 2016, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois a MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ David G. Samuels
DAVID G. SAMUELS
Assistant Attorney General
Attorney Reg. No. 6317414
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031
dsamuels@atg.state.il.us
ebs@atg.state.il.us

Dated: April 27, 2016

CERTIFICATE OF SERVICE

I hereby certify that I did on April 27, 2016, cause to be served by electronic mail, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD upon the following persons:

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218
(Via Electronic Filing)

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794
webbc@ipcb.state.il.us
(Via Email)

Claire A Manning, Esq.
William D. Ingersoll, Esq.
Brown, Hay & Stephens LLP
205 S. 5th Street, Suite 700
P.O. Box 2459
Springfield, IL 62705
(217) 544-8491
cmanning@bhslaw.com
wingersoll@bhslaw.com
(Via Email)

Signed: /s/ David. G. Samuels
DAVID G. SAMUELS
Assistant Attorney General
Attorney Reg. No. 6317414
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031
dsamuels@atg.state.il.us
ebs@atg.state.il.us

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BRICKYARD DISPOSAL & RECYCLING, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 16-66
)	(Permit Appeal-Land)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to 35 Ill. Adm. Code 101.522 and 105.116, hereby moves for an extension of time to file the administrative record in this matter. In support of this Motion, Respondent states as follows:

1. On November 25, 2015, Respondent, the Illinois Environmental Protection Agency ("Agency"), issued a letter of incompleteness relating to an application submitted by Petitioner regarding a municipal solid waste landfill facility in Vermilion County, located at 601 Brickyard Road, Danville, Illinois.

2. On December 7, 2015, Petitioner made a written request to the Agency for an extension of the 35-day period for filing a petition for review. On December 9, 2015, the Agency filed a request for a ninety-day extension of the appeal period with the Illinois Pollution Control Board ("Board"), noting agreement between the parties. Acting upon the Agency's request, on December 17, 2015, the Board extended the due date for a petition to March 30, 2016.

3. On March 29, 2016, Petitioner filed a petition for review challenging the Agency's November 25, 2015 decision.

4. Pursuant to Section 105.116(a) of this Board's rules, 35 Ill. Adm. Code 105.116(a), the Agency is required to file the entire record of its permit decision with the Board within 30 days after the filing of the petition for review. Here, as noted in the Hearing Officer Order entered on April 12, 2016, the administrative record must be filed with the Board by Thursday, April 28, 2016.

5. Section 105.116(a) further provides that "[i]f 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." 35 Ill. Adm. Code 105.116(a). Section 101.522 of this Board's rules, 35 Ill. Adm. Code 101.522, likewise provides that for good cause, a Board hearing officer may extend the time for the filing of any document.

6. The Agency has worked diligently to compile the record for this matter since receiving email notice of the petition's filing. Nevertheless, due to the voluminous record in this matter containing potentially thousands of pages, preparation of the record cannot be completed within the mandated timeframe.

7. Pursuant to Sections 105.116(a) and 101.522, the Agency requests an extension of time to file the administrative record with the Board. The Agency believes in good faith that an additional 21 days will be adequate to allow for the necessary preparation and copying of the administrative record.

8. Prior to the filing of this Motion, on April 27, 2016, Petitioner's counsel was informed of the unavoidable delay in compiling the record.

9. Given that Petitioner has waived the decision deadline until November 3, 2016, Respondent believes sufficient time remains for proceedings in this matter such that an extension of time to file the record will not cause undue delay.

WHEREFORE, for the reasons stated above, the Respondent respectfully requests that the hearing officer grant this request for extension to file the record in this matter until and including the date of May 19, 2016.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ David G. Samuels
DAVID G. SAMUELS
Assistant Attorney General
Attorney Reg. No. 6317414
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031
dsamuels@atg.state.il.us
ebs@atg.state.il.us

Dated: April 27, 2016