


**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

NACME STEEL PROCESSING, L.L.C.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 15-153
	)	(Permit Appeal-CAAPP)
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF SERVICE**

TO: SEE SERVICE LIST

PLEASE TAKE NOTICE that I have today caused to be filed an **REQUEST FOR EXTENSION OF TIME TO FILE AGENCY RECORD** with the Illinois Pollution Control Board, a copy of which is served upon you.

  
 \_\_\_\_\_  
 NANCY J. TIKALSKY  
 Assistant Attorney General

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Environmental Bureau  
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(312) 814-8567  
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Dated: February 20, 2015

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

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**REQUEST FOR EXTENSION OF TIME TO FILE AGENCY RECORD**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA” or “Agency”), through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, and Assistant Attorney General Nancy J. Tikalsky, her duly appointed assistant, respectfully moves the Illinois Pollution Control Board (“Board”), pursuant to 35 Ill. Adm. Code 105.116, to extend the time for filing the Agency record. In support thereof, the Respondent states as follows:

1. On December 22, 2014, the Illinois EPA issued to NACME Steel Processing, L.L.C. (“Petitioner”) a Federally Enforceable State Operating Permit pursuant to Section 39.5 of the Act, 415 ILCS 5/39.5, that contained, among other things, two special conditions for a metal coil surface coating operation at Petitioner’s Facility (“Coating Operations Special Conditions”)(“FESOP”).

2. On January 26, 2015, the Petitioner filed with the Board a petition for review of the Agency final decision of its FESOP with regard to inclusion of the Coating Operations Special Conditions (“Petition for Review”).

3. On January 28, 2015, the Illinois EPA’s Division of Legal Counsel received service of the Petition for Review.

4. In an order entered February 5, 2015, the Board required the Illinois EPA to file the entire record of its determination by February 24, 2015, which is the 30 days after the Board received the Petition for Review. *See* 35 Ill. Adm. Code 105.116. The Board further ordered that if 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. *See* 35 Ill. Adm. Code 105.116.

5. On February 10, 2015, the Illinois EPA notified and requested that the Illinois Attorney General's Office ("AGO") appoint one of Illinois EPA's attorneys as a Special Assistant Attorney General to handle this case. In the alternative, the Illinois EPA requested that the AGO represent the Illinois EPA in this proceeding.

6. The AGO was provided a copy of Petition for Review by Illinois EPA on February 10, 2015 and Assistant Attorney General Nancy J. Tikalsky was assigned to this matter.

7. On February 11, 2015, Assistant Attorney General Nancy J. Tikalsky filed her appearance as counsel for the Illinois EPA.


8. The AGO is extremely mindful of the Board's desire to manage its docket and timely adjudicate appeals pending before it. However, due to the initial FESOP application date of October 2005 and subsequent revisions, stack test submissions, communications on draft permits, the overall extended period of FESOP application delays, and the pending enforcement matter (PCB 13-12, People of the State of Illinois vs. NACME Steel Processing, LLC) regarding those delays, additional time is needed to assemble the documents referenced by Illinois EPA in making its final decision.

11. Petitioner has expressed no objection to the Extension of Time to March 10, 2015 to file the administrative record and will not be prejudiced by the granting of additional time to respond.

WHEREFORE, the Respondent respectfully requests the Board to extend the time for filing the Agency record with the Board by an additional two weeks to March 10, 2015.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

By:   
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**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on February 20, 2015, I served true and correct copies of an **REQUEST FOR EXTENSION OF TIME TO FILE AGENCY RECORD** upon the persons and by the methods as follows:

*[Electronic]*

SEE SERVICE LIST.

  
 \_\_\_\_\_  
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