

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 14-110
	)	(Air Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mr. John Therriault	Mr. Bradley P. Halloran
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board PETITIONER'S MOTION TO REVISE HEARING OFFICER SCHEDULE TO COMPLETE THE RECORD, a copy of which is herewith served upon you.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: May 16, 2014

By: /s/ Katherine D. Hodge  
Katherine D. Hodge

Katherine D. Hodge  
Edward W. Dwyer  
Matthew C. Read  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900



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**PETITIONER'S MOTION TO REVISE HEARING OFFICER  
SCHEDULE TO COMPLETE THE RECORD**

NOW COMES Petitioner, KCBX TERMINALS COMPANY ("KCBX"), a North Dakota corporation, by and through its attorneys, HODGE DWYER & DRIVER, and pursuant to 35 Ill. Admin. Code § 101.612(b), hereby files the following Combined Motion to Revise Hearing Officer Schedule to Complete the Record. In support thereof, Petitioner states as follows:

1. In accordance with the March 25, 2014 Hearing Officer Order, the record is currently set to be closed on May 16, 2014. *KCBX Terminals Co. v. Illinois EPA*, PCB 14-110, Hearing Officer Order (Ill.Pol.Control.Bd. Mar. 25, 2014).
2. KCBX now requests the hearing officer to revise the deadline for completing the record to Tuesday, May 20, 2014.
3. Section 101.612(b) of the Illinois Pollution Control Board's ("Board") procedural rules, 35 Ill. Admin. Code § 101.612(b), provides:

The hearing officer may rule upon any motion to revise the schedule to complete the record. The hearing officer may grant the motion to the extent that the revised schedule provides for a completed record **at least 30 days before the decision date or to prevent material prejudice**. If

the hearing officer grants a motion to revise the schedule, the hearing officer must file the revised schedule with the Clerk and serve a copy of the revised schedule on all parties in accordance with Subpart C of this Part.

35 Ill. Admin. Code § 101.612(b). (Emphasis added.)

4. The current decision date is set to be on June 19, 2014. *See KCBX Terminal Co. v. Illinois EPA*, PCB No. 14-110, slip op. at 2 (Ill.Pol.Control.Bd. Mar. 6, 2014)

5. Thirty days before June 19, 2014, is May 20, 2014. Thus, granting KCBX's request for the revised schedule would still allow 30 days before the decision date in this matter.

6. KCBX requests the record to remain open for this period as it may be necessary to file a post-hearing reply brief in this matter. KCBX just received Respondent's Post-hearing Response Brief and has yet to have an opportunity to fully review it.

7. For the reasons provided above, KCBX requests the hearing officer to revise the schedule to complete the record until May 20, 2014.

WHEREFORE Petitioner, KCBX TERMINALS COMPANY, for the above stated reasons, respectfully prays that the Hearing Officer enter an Order granting this Motion to Revise Hearing Officer Schedule to Complete the Record and award KCBX TERMINALS COMPANY all other relief just and proper in the premises.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: May 16, 2014

By: /s/ Katherine D. Hodge  
One of Its Attorneys

Katherine D. Hodge  
Edward W. Dwyer  
Matthew C. Read  
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3150 Roland Avenue  
Post Office Box 5776  
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