

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

D&L LANDFILL, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 15-137
)	(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 105.116, hereby moves for an extension of time to file the Administrative Record in this cause. In support of this Motion, the Respondent states as follows:

1. On December 19, 2014, the Illinois EPA issued a final decision to the Petitioner. On January 9, 2015, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days.
2. On January 15, 2015, Illinois EPA requested the ninety-day extension, and on January 22, 2015, the Board granted the request, extending the petition deadline to April 28, 2015.
3. On April 27, 2015, Petitioner filed a Petition for Review of Agency Permit Decision. In accordance with the Board's procedural requirements set forth in 35 Ill. Adm. Code 105.116, the Illinois EPA's administrative record of the permit application is to be filed with the Board within 30 days after filing of the petition for appeal. In the present case, the Illinois EPA's filing of the administrative record is due on Wednesday, May 27, 2015.

4. Section 105.116(a) of this Board's rules provides, in pertinent part, that "[i]f the State 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).

5. Due to the press of other business matters, the task of preparing the administrative record of Respondent's denial of certification of completion of post-closure care at Petitioner's landfill cannot be completed in advance of the filing date.

6. At this juncture, the undersigned attorney believes that an additional 14 days will be adequate to allow for the necessary preparation and copying of the administrative record in this cause. An extension of the filing period by this additional time will run the Illinois EPA's filing date to June 10, 2015.

7. Respondent does not believe Petitioner will suffer any hardship or prejudice by the granting of this Motion.

WHEREFORE, for the reasons stated above, the Respondent requests that the Board grant this request for extension of the filing deadline.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS, ex rel. LISA
MADIGAN, Attorney General,
State of Illinois

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

BY: s/Elizabeth Dubats
Elizabeth Dubats, # 6308913
Assistant Attorney General

CERTIFICATE OF SERVICE

Elizabeth Dubats, Assistant Attorney General, hereby certifies that she has served a copy of the foregoing Motion for Extension of Time upon:

Patrick D. Shaw
Law Office of Patrick D. Shaw
80 Bellerive Road
Springfield, IL 62704

by depositing a copy of same in a correctly addressed, prepaid envelope and depositing same in the United States Mail in Springfield, Illinois, on May 26, 2015.

s/Elizabeth Dubat
ELIZABETH DUBATS
Assistant Attorney General

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