

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.)	
)	
)	
Petitioner,)	PCB No. 2025-010
)	
v.)	(Permit Appeal – RCRA)
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: Attached Service List Via Email

PLEASE TAKE NOTICE THAT today I caused to be electronically filed with the Clerk of the Illinois Pollution Control Board, via the “COOL” System, the Illinois Environmental Protection Agency’s Motion for Extension of Time to File Agency Record, a true and correct copy of which is attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

By: /s/ Justin Bertsche
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Office of the Illinois Attorney General
Environmental Bureau
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Dated: December 31, 2024

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CERTIFICATE OF SERVICE

I, Justin Bertsche, an Assistant Attorney General, caused to be served on this 31st day of December, 2024, true and correct copies of the Notice of Filing and Illinois Environmental Protection Agency's Motion for Extension of Time to File Agency Record up on the persons listed on the Service List via electronic mail with return receipt.

/s/ Justin Bertsche
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.)	
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Petitioner,)	
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v.)	PCB No. 2025-10
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ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

MOTION FOR EXTENSION OF TIME TO FILE AGENCY RECORD

NOW COMES Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through the Attorney General of the State of Illinois, KWAME RAOUL, and pursuant to 35 Ill. Adm. Code 105.116 and 35 Ill. Adm. Code 101.522, hereby moves for an extension of time until March 4, 2025, for filing the Agency record in this permit appeal. In support of its motion, Illinois EPA states as follows:

1. On December 4, 2024, after an agreed 90-day extension, Petitioner filed a petition asking the Illinois Pollution Control Board (“Board”) to review Illinois EPA’s July 29, 2024 permit modification and July 30, 2024 final decision requiring Petitioner to continue post-closure care for at least an additional thirty years and to maintain a rolling thirty-year post-closure care cost estimate for its Hazardous Waste Management Units at the Laraway Recycling and Disposal Facility in Joliet, Will County, Illinois (“Petition”).

2. Section 105.116 of the Board’s regulations regarding Appeals of Final Decisions of State Agencies, 35 Ill. Adm. Code 105.116, provides, in pertinent part, as follows:

(a) The State agency must file with the Board the entire record of the Agency’s or OSFM’s decision, as applicable, within 30 days after the filing of the petition for review, unless this Part provides otherwise, or the Board or hearing officer orders a different filing date. If the Agency or OSFM wishes

to seek additional time to file its record, it must file a request for extension before the date on which its record is due to be filed

- (b) The Agency record or OSFM record, as applicable, must be arranged in chronological sequence, or by category of material and chronologically within each category, and must be sequentially numbered with the letter “R” placed before the number of each page. This page number must appear in the top right corner of each page. The Agency record or OSFM record must be certified by the applicable State agency. The certification must be entitled “Certificate of Record on Appeal”. The Certificate must contain an index that lists the documents comprising the Agency record of OSFM record and shows the page numbers upon which each document starts and ends. The Certificate of Record must be served on all parties by the State agency.

3. Section 101.522 of the Board’s General Rules, 35 Ill. Adm. Code 101.522, provides as follows:

If a party’s motion shows good cause, the Board or hearing officer may extend any deadline required by this Part. The motion may be filed either before or after the deadline expires.

4. In accordance with Section 105.116(a), the record of Illinois EPA’s permit decision is due to be filed on or before January 3, 2025.

5. Due to the winter holidays and school schedules, the Illinois EPA personnel needed to compile and certify the administrative record have limited availability during the period of December 4, 2024 through January 3, 2025.

6. In addition, Illinois EPA is currently in the process of moving from its current location at 1021 North Grand Avenue East, Springfield, Illinois to a new building located at 2520 West Iles Avenue, Springfield, Illinois. The process of physically moving Illinois EPA’s hard copy records and moving its digital infrastructure to a new location significantly complicates the process of compiling the administrative record.

7. Despite its best efforts, Respondent is unable to complete, properly sequence, and certify the entire permit record by January 3, 2025. Respondent believes that it will be able to provide a complete record within sixty (60) additional days, by March 4, 2025.

8. Section 105.116(a) allows Illinois EPA to seek additional time to file its record before the date on which the record is due to be filed. In this instance, Illinois EPA is seeking additional time before the January 3, 2025 due date.

9. Under Section 101.522 of the Board's General Rules, the Board or hearing officer may extend any deadline required under the Board's General Rule, which are "generally applicable to proceedings before the Illinois Pollution Control Board" (*see* Section 101.100(a)) if a party's motion shows good cause. In this instance, the requested extension would serve the good cause of ensuring a complete and accurate administrative record.

10. The undersigned has contacted counsel for Petitioner who advised that Petitioner does not object to Respondent's request for an extension to file the record.

WHEREFORE, for the reasons stated herein, the Illinois EPA respectfully requests that the Board or hearing officer enter an order: (i) granting the Illinois EPA's motion; (ii) extending the deadline for Illinois EPA to file the record until March 4, 2025; and (iii) for such other relief as the Board or hearing officer deems appropriate.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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