

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MODERN PLATING CORPORATION.)	
)	
)	
Petitioner,)	PCB No. 2026-031
)	
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 Respondent Illinois Environmental Protection Agency's Unopposed Motion for Extension of Time to File Record, a true and correct copy of which is attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

By: /s/ Elizabeth Dubats
Elizabeth Dubats
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
115 S. LaSalle Street, 23rd Floor
Chicago, Illinois 60603
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Dated: February 27, 2026

SERVICE LIST

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CERTIFICATE OF SERVICE

I, Elizabeth Dubats, an Assistant Attorney General, caused to be served on this 27th day of February 2026, a true and correct copy of the Notice of Filing and Respondent's Unopposed Motion for Extension of Time to File Record, upon the persons listed on the Service List via electronic mail with return receipt.

/s/ Elizabeth Dubats
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Assistant Attorney General
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RESPONDENT’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE THE 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(a) and 35 Ill. Adm. Code 101.522, hereby moves for an extension of time in which to file the Agency record for this permit appeal until April 6, 2026.

In support of its motion, the Illinois EPA states as follows:

1. On February 3, 2026, Petitioner filed a petition asking the Illinois Pollution Control Board (“Board”) to review the Final Renewed Resource Conservation and Recovery Act Hazardous Waste Management Post-Closure Permit Illinois EPA issued on September 30, 2025 (“Petition”).
2. On February 19, 2026, the Board accepted the Petition for hearing, and ordered that Illinois EPA must file the entire record of determination by Thursday, March 5, 2026, 30 days after the Board received the Petition.
3. Section 105.116 of the Board’s Regulations regarding Appeals of Final Decisions of State Agencies, 35 Ill. Adm. Code 105.116, provides 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 or 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.

4. Section 105.116(a) of the Board's Regulations allows Illinois EPA to seek additional time to file its record before the date on which the record is due to be filed. 35 Ill. Adm. Code 105.116. In this instance, Illinois EPA is seeking additional time before the March 5, 2026 due date.

5. 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.

6. Upon service of the Petition, Illinois EPA began the process of compiling relevant documents required for the administrative record. However, as this Petition concerns a RCRA post-closure permit that was issued in 2000 and specifically evokes the past 15 years of Illinois EPA permit decision-making, properly compiling, reviewing, and indexing the record will require a significant amount of time to complete.

7. To ensure completeness and accuracy, Illinois EPA hereby requests an extension of 30 days from the March 5, 2026 deadline, until April 6, 2026¹, to file the administrative record.

8. 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 Rules, 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 providing adequate time to compile a complete and accurate administrative record.

9. The Petitioner does not object to a 30-day extension of the Administrative Record deadline.

10. Granting the 30-day extension will not significantly delay this case, nor will Petitioner be prejudiced.

11. On February 4, 2026, Petitioner filed an open waiver of the statutory decision deadline, therefore an extension of the Administrative Record deadline would not upset the 120-day decision deadline for final action on the Petition.

¹ 30 days from March 5, 2026, falls on April 4, 2026, which is a Saturday. April 6, 2026, is the next business day and therefore the appropriate new deadline for a 30-day extension pursuant to the Board's regulations regarding computation of time. 35 Ill. Adm. Code 101.300.

WHEREFORE, for the reasons stated herein, Illinois EPA respectfully requests that the Board or hearing officer enter an order: (i) granting Illinois EPA's motion; (ii) extending the deadline for Illinois EPA to file the record until April 6, 2026; and (iii) for such other relief as the Board or hearing officer deems appropriate.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: s/ Elizabeth Dubats

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Dated: February 27, 2026