

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS)	
INC. (CID RECYCLING & DISPOSAL)	
FACILITY),)	
)	
Petitioner,)	
)	
v.)	PCB No. 26-39
)	(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’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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGECNY

BY: /s/ Jason Clark
Jason Clark
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Dated: April 7, 2026

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CERTIFICATE OF SERVICE

I, Jason Clark, an Assistant Attorney General, caused to be served on this 7th day of April, 2026, a true and correct copy of the Notice of Filing and Unopposed Motion for Extension of Time to File the Record upon the persons listed on the Service List via electronic mail with return receipt.

/s/ Jason Clark

Jason Clark

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

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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 until May 8, 2026, for filing the administrative record in this permit appeal.

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

1. On March 9, 2026, after a 90-day extension, Petitioner (“Waste Management”) filed its Petition to Appeal Illinois EPA’s Final Determinations and Request for Stay (“Petition”) with the Illinois Pollution Control Board (“Board”).

2. On March 19, 2026, the Board accepted the Petition for hearing, and ordered that Illinois EPA must file the entire record of determination by April 8, 2026, approximately 30 days after the Board received the Petition.

4. 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. The 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.

7. 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 requires.

8. Despite its best efforts, Respondent will be unable to organize, categorize, number, and certify the entire permit record by April 8, 2026.

9. Section 105.116(a) allows the Agency 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 April 8, 2026 due date. The requested extension would serve the good cause of ensuring that the administrative record is accurate, complete, and can be certified by the person most familiar with and qualified to certify the record.

10. The undersigned has contacted counsel for Waste Management, who advised that they do not object to Illinois EPA's request.

11. On April 7, 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.

12. 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 ensuring a complete and accurate administrative record.

WHEREFORE, Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, respectfully requests that the Board or hearing officer enter an order: (i) granting its Motion; (ii) extending the deadline for Illinois EPA to file the record to May 8, 2026; and (iii) granting such other relief as the Board or hearing officer deems appropriate.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

BY: /s/ Jason Clark
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Dated: April 7, 2026