

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

MAY 04 2005

STATE OF ILLINOIS  
Pollution Control Board

|                        |   |                 |
|------------------------|---|-----------------|
| U.S. MINERALS, LLC,    | ) |                 |
|                        | ) |                 |
| Petitioner,            | ) |                 |
|                        | ) |                 |
| v.                     | ) | PCB No. 05-182  |
|                        | ) | (Permit Appeal) |
| ILLINOIS ENVIRONMENTAL | ) |                 |
| PROTECTION AGENCY,     | ) |                 |
|                        | ) |                 |
| Respondent.            | ) |                 |

NOTICE OF FILING

TO: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Jon S. Faletto, Esq.  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, Illinois 61602

PLEASE TAKE NOTICE that on this 2<sup>nd</sup> of May 2005, Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY filed with the Office of the Clerk of the Pollution Control Board a MOTION TO REQUEST EXTENSION OF TIME, copies of which are herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY  
OF THE STATE OF ILLINOIS

BY: Dennis E. Brown  
Dennis E. Brown  
Assistant Counsel  
Division of Legal Counsel

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STATE OF ILLINOIS  
Pollution Control Board

U.S. MINERALS, LLC,

Petitioner,

v.

PCB No. PCB 05-182

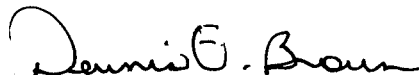
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

The undersigned, as one of the attorneys, hereby enters his APPEARANCE on behalf of Respondent, Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY:



Dennis E. Brown  
Assistant Counsel  
Division of Legal Counsel

Date: May 2, 2005

Illinois Environmental Protection Agency  
1021 North Grand Avenue, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544, TDD 217/782-9143

STATE OF ILLINOIS                    )  
  )  
COUNTY OF SANGAMON            )

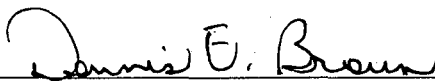
**PROOF OF SERVICE**

I, the undersigned, certify that I have served the attached MOTION FOR EXTENSION OF TIME and APPEARANCE upon the person(s) to whom it is directed, by placing the necessary copies in a first class mail package addressed to:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Jon S. Faletto, Esq.  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, Illinois 61602

and mailing it from Springfield, Illinois on May 2, 2005, with sufficient postage affixed.

  
\_\_\_\_\_  
Dennis E. Brown

Date: May 2, 2005

Illinois Environmental Protection Agency  
1021 North Grand Avenue, P.O. Box 19276  
Springfield, Illinois 62794-9276  
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U.S. MINERALS, LLC

Petitioner,

v.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PCB No. PCB 05-182

**MOTION FOR EXTENSION OF TIME**

NOW COMES the Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), and pursuant to 35 Ill. Adm. Code 105.116, moves the Illinois Pollution Control Board ("Board") to extend the time for filing of the Administrative Record of Permit Decision required pursuant to 35 Ill. Adm. Code 105.116. In support of this motion, the Illinois EPA states as follows:

1. On April 6, 2005, U.S. Minerals ("Petitioner") filed with the Pollution Control Board ("Board") a petition for review ("Petition") of the Illinois EPA's permit decision resulting in the issuance of revised State Lifetime Operating Permit number 98070091, on March 2, 2005. A copy of the Petition was received by the Illinois EPA, on April 6, 2005.
2. On April 21, 2005, the Board issued an Order in relation to the petition stating, in part, that the Illinois EPA must file the record of its determination on or before May 6, 2005.

3. Since the date of the Board's April 21, 2005 Order, representatives of the Illinois EPA and U.S. Minerals, LLC have conferred regarding the April 6, 2005 Petition, and discussed settlement of issues set forth within the petition in resolution of the permit appeal. Based upon discussions mentioned above, the Illinois EPA anticipates settlement of the all issues relative to objectionable permit conditions contained within revised Lifetime Operating Permit number 98070091 is likely without requiring the issuance of an Order and Opinion of the Board based upon the facts and evidence during a hearing before the Board in this matter.

4. Based upon the foregoing, filing of the administrative record, at this juncture, will seemingly not be required to further a review of all issues set forth within the Petition and resolution of the permit appeal.

For the foregoing reasons, the Illinois EPA respectfully requests that the Board grant an extension of time to file the Administrative Record of Permit Decision for an additional 60 days to facilitate resolution of the pending permit appeal through settlement discussions between the parties.

Respectfully submitted,

Illinois Environmental Protection Agency

By: Dennis E. Brown

Dennis E. Brown  
One of Its Attorneys

May 2, 2005