

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

KIBLER DEVELOPMENT CORPORATION)
and MARION RIDGE LANDFILL, INC.,)
Petitioners,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

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CLERK'S OFFICE

SEP 20 2004

PCB No. 05-35 STATE OF ILLINOIS
(Permit Appeal) Pollution Control Board

NOTICE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Carol Sudman, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue, East
P.O. Box 19274
Springfield, IL 62794-9274

Stephen F. Hedinger
Hedinger Law Office
2601 South Fifth Street
Springfield, IL 62703

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a MOTION TO EXTEND TIME TO FILE ADMINISTRATIVE RECORD, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


James M. Kropid
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: September 17, 2004

This filing submitted on recycled paper.

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

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CLERK'S OFFICE

KIBLER DEVELOPMENT CORPORATION)
and MARION RIDGE LANDFILL, INC.,)
 Petitioners,)
 v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
 Respondent.)

SEP 20 2004

STATE OF ILLINOIS
Pollution Control Board
PCB No. 05-011
(Permit Appeal – Land)

MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James M. Kropid, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.500, 101.522 and 105.116, hereby requests that the Illinois Pollution Control Board (“Board”) waive the normal filing requirements of 35 Ill. Adm. Code 105.116 and grant the Illinois EPA an extension of time within which to file the Administrative Record. In support of this motion, the Illinois EPA states as follows:

1. The Petitioners, Kibler Development Corporation and Marion Ridge Landfill, Inc., filed their Petition for Review of Permit Condition on August 25, 2004. On August 26, 2004, the Petitioners filed their “Exhibit A,” which was inadvertently omitted from the Petition. Pursuant to a September 2, 2004, Board Order, the Administrative Record is to be filed with the Board by September 25, 2004, which is thirty (30) days after the filing of their Petition. Since that date falls on a Saturday, pursuant to 35 Ill. Adm. Code 101.300(a) the Illinois EPA calculates that the Administrative Record is due in this appeal on or before September 27, 2004.

2. Due to the press of Illinois EPA business and the physical size of certain portions of this record, the assigned attorney will be unable to complete the preparation of the Administrative Record within the time otherwise allowed.

3. The Petitioner will not be prejudiced if this extension is granted since it is already in possession of the great majority of documents which would constitute the Administrative Record.

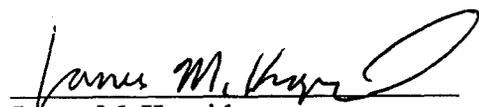
4. No hearing date has been set in this matter.

5. The Illinois EPA and the Petitioner may engage in negotiations which may result in either a settlement of the case or a narrowing of the pertinent issues, thereby avoiding or limiting litigation and the need to prepare the Administrative Record for submission to the Board. Upon express mandate of the Board in response to this motion, the Illinois EPA will keep the Board apprised of any settlement negotiations through status reports or conferences as scheduled by the Board.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Board grant the Illinois EPA an extension of time to file the Administrative Record in this matter to a date not less than thirty (30) days from the date of the Board's issuance of notice of a public hearing in this matter.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


James M. Kropid
Assistant Counsel
Special Assistant Attorney General
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Dated: September 17, 2004

CERTIFICATE OF SERVICE

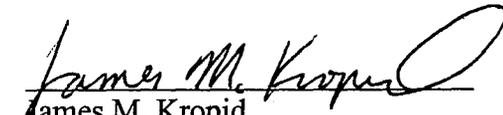
I, the undersigned attorney at law, hereby certify that on September 17, 2004, I served true and correct copies of a MOTION TO EXTEND TIME TO FILE ADMINISTRATIVE RECORD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

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