

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AQUA ILLINOIS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 2023-012
)	(Permit Appeal - Public Water Supply)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

To: *See Attached Service List*

PLEASE TAKE NOTICE that on the 19th day of July, 2022, I caused to be filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the attached Respondent's Motion for Extension of Time to Respond to Petitioner's Motion for Partial Stay, a true and correct copy of which is attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

/s/ Kathryn A. Pamenter
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CERTIFICATE OF SERVICE

I, Kathryn A. Pamenter, a Senior Assistant Attorney General, hereby certify that on the 19th day of July, 2022, I caused to be served the foregoing Notice of Electronic Filing and Respondent's Motion for Extension of Time to Respond to Petitioner's Motion for Partial Stay upon the parties named on the attached Service List, via e-mail or electronic filing as indicated.

/s/ Kathryn A. Pamenter

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**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO
PETITIONER'S MOTION FOR PARTIAL STAY**

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 101.500(d) and 101.522, hereby moves for an extension of time to July 29, 2022, in which to respond to Aqua Illinois, Inc.'s ("Petitioner") Motion for Partial Stay. In support of this request, Illinois EPA states as follows:

1. On July 8, 2022, Petitioner filed its Petition for Review of an Illinois Environmental Protection Agency's Special Exception Permit Decision and Motion for Partial Stay.
2. Generally, Illinois EPA has 14 days to respond to Petitioner's Motion for Partial Stay unless the Illinois Pollution Control Board ("Board") grants additional time to respond:

Within 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party waives objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion. Unless undue delay or material prejudice would result, neither the Board nor the hearing officer will grant any motion before the 14-day response period expires, except in decision deadline proceedings in which no decision deadline waiver has been filed. Parties may request that the Board grant more time to respond by filing a motion for extension of time before the response period expires.

35 Ill. Adm. Code 101.500(d). *See also* 35 Ill. Adm. Code 101.522 (“[i]f 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”).

3. Illinois EPA’s current deadline to respond to Petitioner’s Motion for Partial Stay is July 22, 2022.¹ Due to a vacation schedule and the need for additional time to review such motion, Illinois EPA seeks a one-week extension to July 29, 2022, to respond to Petitioner’s Motion for Partial Stay.

4. Petitioner does not object to the requested relief herein.

WHEREFORE, for the reasons stated herein, Illinois EPA respectfully requests that the Board enter an order (i) granting Illinois EPA’s motion, (ii) extending the deadline for Illinois EPA to respond to Petitioner’s Motion for Partial Stay until July 29, 2022, and (iii) granting such other relief as the Board deems appropriate.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

/s/ Kathryn A. Pamenter

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¹ Illinois EPA did not consent to e-mail service of the Petition and Motion for Partial Stay in advance, which may have extended the July 22, 2022 deadline. Illinois EPA has agreed to refrain from challenging such service, as Petitioner has agreed to a one-week extension of the July 22, 2022 deadline.