

**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 2nd day of August, 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 File the Record, a true and correct copy of which is attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

/s/ Kathryn A. Pamenter  
Kathryn A. Pamenter  
Senior Assistant Attorney General  
Environmental Bureau  
Office of the Illinois Attorney General  
69 W. Washington Street, 18<sup>th</sup> Floor  
Chicago, IL 60602  
773.590.7824  
Kathryn.Pamenter@ilag.gov

**SERVICE LIST**

Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren St., Suite 630  
Chicago, IL 60605  
Don.Brown@illinois.gov  
(by *electronic filing*)

Brad Halloran  
Hearing Officer  
Illinois Pollution Control Board  
60 E. Van Buren Street, Suite 630  
Chicago, IL 60605  
[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)  
(Via Email)

Daniel J. Deeb  
Alex Garel-Frantzen  
Sarah L. Lode  
ARENTFOX SCHIFF LLP  
233 South Wacker Drive, Suite 7100  
Chicago, IL 60606  
Dan.Deeb@afslaw.com  
Alex.Garel-Frantzen@afslaw.com  
Sarah.Lode@afslaw.com  
*Counsel for Aqua Illinois, Inc.*  
(via *e-mail*)

**CERTIFICATE OF SERVICE**

I, Kathryn A. Pamenter, a Senior Assistant Attorney General, hereby certify that on the 2nd day of August, 2022, I caused to be served the foregoing Notice of Electronic Filing and Respondent's Motion for Extension of Time to File the Record upon the parties named on the attached Service List, via e-mail or electronic filing as indicated.

/s/ Kathryn A. Pamenter  
Kathryn A. Pamenter  
Senior Assistant Attorney General  
Environmental Bureau  
Office of the Illinois Attorney General  
69 W. Washington Street, 18<sup>th</sup> Floor  
Chicago, IL 60602  
773.590.7824  
[Kathryn.Pamenter@ilag.gov](mailto:Kathryn.Pamenter@ilag.gov)

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**RESPONDENT’S 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 101.500 and 105.116(a), hereby moves for an extension of time (“Motion for Extension”) in which to file the record of its determination for this Permit Appeal until 30 days after the Illinois Pollution Control Board (“Board”) issues its decision on Illinois EPA’s pending Motion to Dismiss the Permit Appeal as to Additional Condition No. 6. In support of this Motion for Extension, Illinois EPA states as follows:

1. On July 8, 2022, Petitioner filed its Petition for Review of the Illinois Environmental Protection Agency’s Special Exception Permit Decision and Motion for Partial Stay (“Permit Appeal”).
2. Illinois EPA has 30 days after the filing of a petition for review to file the record unless the Board grants additional time to respond:

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. . . .

35 Ill. Adm. Code 105.116(a).

3. On July 21, 2022, the Board entered an Order setting August 8, 2022, as the date by which Illinois EPA must file the record of its determination, unless the Board or hearing officer orders otherwise. (Order of the Board at p. 2 (July 21, 2022).)

4. Contemporaneously herewith, Illinois EPA filed its Motion to Dismiss the Permit Appeal as to Additional Condition No. 6, which is incorporated herein by reference (the “Motion to Dismiss”).

5. Due to the pending Motion to Dismiss, Illinois EPA seeks an extension to file the record of its determination for this Permit Appeal until 30 days after the Board issues its decision on the Motion to Dismiss. Granting such an extension of time will ensure that the Illinois EPA files the appropriate record based upon the Board’s determination of the scope of the Permit Appeal.

WHEREFORE, Illinois EPA respectfully requests that the Board or the hearing officer enter an order: (i) granting Illinois EPA’s Motion for Extension; (ii) extending the deadline for Illinois EPA to file the record of its determination for this Permit Appeal until 30 days after the Board’s ruling on the Motion to Dismiss; and (iii) granting such other relief as the Board or the

hearing officer deems appropriate.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

/s/ Kathryn A. Pamenter

Kathryn A. Pamenter  
Senior Assistant Attorney General  
Ann Marie A. Hanohano  
Assistant Attorney General  
Environmental Bureau  
Office of the Illinois Attorney General  
69 W. Washington Street, 18<sup>th</sup> Floor  
Chicago, IL 60602  
773.590.7824  
312.881.0556  
Kathryn.Pamenter@ilag.gov  
AnnMarie.Hanohano@ilag.gov