

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

SIX M CORPORATION, INC.	)	
	)	
	)	
Petitioner,	)	PCB No. 2026-035
	)	
v.	)	(UST Appeal)
	)	
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, Respondent Illinois Environmental Protection Agency’s Motion for Extension of Time to File Record on Appeal, true and correct copy of which is attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY,

By: /s/ Elizabeth Dubats  
Elizabeth Dubats  
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Dated: December 3, 2025

**SERVICE LIST**

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**CERTIFICATE OF SERVICE**

I, Elizabeth Dubats, an Assistant Attorney General, caused to be served on this 3rd day of December, 2025, a true and correct copies of the Notice of Filing and Illinois Environmental Protection Agency's Motion for Extension of Time to File Record on Appeal, upon the persons listed on the Service List via electronic mail with return receipt.

/s/ Elizabeth Dubats

Elizabeth Dubats

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 in which to file the Agency record for this permit appeal until January 19, 2026. In support of its motion, the Illinois EPA states as follows:

1. On November 5, 2025, Petitioner filed a petition asking the Illinois Pollution Control Board ("Board") to review an alleged lack of final action regarding a May 6, 2022, application for payment of indemnification from the Underground Storage Tank (UST) Fund pursuant to Section 57.8(i) of the Illinois Environmental Protection Act, 415 ILCS 5/57.8(i) (2024) ("Petition").

2. On November 18, 2025, Illinois EPA was served with the Petition via US mail.

3. On November 20, 2025, the Board accepted the Petition for hearing, and it ordered that Illinois EPA must file the entire record of determination by Friday, December 5, 2025, 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. This 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.

5. Section 105.116(a) of the Board's Regulations allows Illinois EPA to seek additional time to file its record before the date on which the record is due to be filed. 35 Ill. Adm. Code 105.116. In this instance, Illinois EPA is seeking additional time before the December 5, 2025 due date.

6. 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 expires.

7. The compilation of a complete administrative record requires coordination among Illinois EPA personnel to ensure that all relevant records are included. The deadline for filing the administrative record falls the week after the Thanksgiving holiday, a period of time where many of the relevant document custodians may be out of office, which functionally diminishes the 30-

day period provided by the Board's regulations. Moreover, Illinois EPA was not served with the Petition until November 18, 2025, a mere 11 non-holiday business days before the record deadline. As such, Respondent requests a 45-day extension of the 30-day deadline, from December 5, 2025, to January 19, 2026.

8. Further, a 45-day extension of the Administrative Record deadline would provide the parties an opportunity to confer and focus their resources on potential settlement rather than litigation. The extension would serve the good cause of promoting judicial economy. "As an effective means of promoting judicial economy, settlements are generally encouraged and favored by the courts . . . ." *McCracken Contracting Co. v. R.L. De Prizio & Assocs., Inc.*, 122 Ill. App. 3d 680, 683 (1st Dist. 1984).

9. 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 accommodating holiday schedules and promoting judicial economy through settlement.

10. The Petitioner does not object to a 45-day extension of the Administrative Record deadline.

11. On November 24, 2025, Petitioner filed a waiver of decision deadline until July 12, 2026. Therefore the 45-day extension would not prejudice the parties or jeopardize the Board's ability to meet its statutory decision deadline.

WHEREFORE, for the reasons stated herein, Illinois EPA respectfully requests that the Board or hearing officer enter an order: (i) granting Illinois EPA's motion; (ii) extending the

deadline for Illinois EPA to file the record until January 19, 2026; and (iii) for such other relief as the Board or hearing officer deems appropriate.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

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Dated: December 3, 2025