

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BFI WASTE SYSTEMS)	
OF NORTH AMERICA, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 26-30
)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

Please take note that on December 23, 2025, Respondent Illinois Environmental Protection Agency filed its Motion for Extension of Time to File Record with the Clerk of the Illinois Pollution Control Board in the above referenced case via the "COOL" System, a copy of which is attached hereto and hereby served upon you.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

By KWAME RAOUL, Attorney General of
the State of Illinois

BY: /s/ Rebecca Kanz
Assistant Attorney General
Environmental Bureau
115 S. LaSalle Street, 23rd Floor
Chicago, Illinois 60603
(312) 814-3531
Rebecca.Kanz@ilag.gov

Certificate of Service

I Rebecca Kanz, an attorney, do hereby certify that, today, December 23, 2025, I caused to be served on the individuals listed below, by electronic mail, a true and correct copy of the attached Motion for Extension of Time to File Record in this matter.

BY: /s/ Rebecca Kanz
Assistant Attorney General
Environmental Bureau
115 S. LaSalle St., 23rd Floor
Chicago, Illinois 60603
(312) 814-3531
Rebecca.Kanz@ilag.gov

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
Brad.Halloran@illinois.gov

Mr. Don Brown
Clerk of the Pollution Control Board
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
Don.Brown@illinois.gov

Scott B. Sievers
Brown, Hay & Stephens, LLP

205 S. Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705
ssievers@bhslaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BFI WASTE SYSTEMS)	
OF NORTH AMERICA, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 2026-030
)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION TO EXTEND TIME FOR FILING RECORD

Now comes Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, through its counsel, the Illinois Attorney General's Office, and hereby requests that the Board allow additional time, until January 14, 2026, for filing the administrative record in this matter. In support of its request, Respondent states as follows:

1. On October 30, 2025, Petitioner filed its Petition for Review of Illinois EPA Decision ("Petition") with the Board.
2. On November 6, 2025, the Board accepted the Petition for hearing, and ordered that Illinois EPA must file the entire record of determination by December 1, 2025.
3. On November 20, 2025, Respondent filed its unopposed Motion to Extend Time for Filing Record, requesting an additional 30 days to file the record, by December 31, 2025.
4. On November 20, 2025, the Board granted Respondent's Motion to Extend Time for Filing Record.
5. 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. The 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.

4. 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 requires.

5. Despite its best efforts, due to the size of the record and the holidays, Respondent will be unable to organize, categorize, and number the entire permit record by December 31, 2025. Respondent believes that it will be able to provide a complete record within 14 additional days, or by January 14, 2026.

6. Section 105.116(a) allows the Agency to seek additional time to file its record before the date on which the record is due to be filed. In this instance, Respondent is seeking additional time before the December 31, 2025 due date. Respondent believes that it will be able to provide a complete record within 14 additional days, by January 14, 2026.

7. 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," if a party's motion shows good cause. *See* 35 Ill. Adm. Code 101.100(a). In this instance, the requested extension would serve the good cause of ensuring a complete and accurate administrative record.

8. The undersigned has contacted counsel for Petitioner, who advised that he does not object to Respondent's request.

WHEREFORE, Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, respectfully requests that the Board grant its Motion and extend the deadline for filing the permit record in this matter to January 14, 2026.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL,
Attorney General of the
State of Illinois

BY: /s/ Rebecca Kanz
Assistant Attorney General
Environmental Bureau
115 S. LaSalle St., 23rd Floor
Chicago, Illinois 60603
(312) 814-3531
Rebecca.Kanz@ilag.gov