

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

CONCENTRATED ANIMAL FEEDING)
OPERATIONS (CAFOS): PROPOSED)
AMENDMENTS TO 35 ILL. ADM. CODE)
501, 502 AND 504)
R 2012-023

NOTICE OF ELECTRONIC FILING

To: **Attached Service List**

PLEASE TAKE NOTICE that on October 9, 2012, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO AGRICULTURAL COALITION'S MOTION PROPOSING CHANGES TO THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PROPOSED RULES** filed by Prairie Rivers Network, Illinois Citizens for Clean Air and Water, Natural Resources Defense Council and Environmental Law & Policy Center (collectively, "Environmental Groups") a copy of which are attached hereto and herewith served upon you.

Respectfully Submitted,



Jessica Dexter
Staff Attorney
Environmental Law and Policy Center
35 East Wacker Drive, Ste. 1600
Chicago, IL 60601
312-795-3747

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

CONCENTRATED ANIMAL FEEDING)
OPERATIONS (CAFOS): PROPOSED)
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**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO AGRICULTURAL
COALITION'S MOTION PROPOSING CHANGES TO THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PROPOSED RULES**

COMES NOW Prairie Rivers Network, Illinois Citizens for Clean Air and Water, Natural Resources Defense Council and Environmental Law & Policy Center (collectively, "Environmental Groups") who, pursuant to 35 Ill. Admin. Code §101.522, request the hearing officer to grant an extension of time to respond to the Agricultural Coalition's Motion Proposing Changes to the Illinois EPA Proposed Rules filed September 25, 2012 ("Industry Motion"). The Illinois Pollution Control Board rules allow extensions of time to respond to motions for "good cause." 35 Ill. Admin. Code §101.522. For the reasons stated below, there is good cause to grant environmental groups an extension of time to respond to the Motion:

1) The service list used for the Agricultural Coalition's Motion did not include Jessica Dexter of the Environmental Law & Policy Center. (9/25/12 Service List attached as Exhibit

1) Because of this failure of service, Ms. Dexter did not learn until October 9, 2012 (the date upon which responses to the motion would ordinarily be due) that the Agricultural Coalition's filing was in the nature of a "motion" to the Board.

2) The service list also included the incorrect address for Ann Alexander, attorney for the Natural Resources Defense Council.

3) Even had proper service of the motion been achieved, an extension of time to respond

would still be justified. Environmental Groups are preparing their own filings, including testimony from witnesses and Environmental Groups' own proposed changes to the rule language. It would be most logical to postpone responding to the Industry Motion until after the upcoming hearings and after relevant facts have been developed in the record.

WHEREFORE, Environmental Groups respectfully request that further action on the Industry Motion (including responses and any decision by the Board) be suspended until after the record in this proceeding has been closed.

Dated: October 9, 2012

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'JD', with a long horizontal flourish extending to the right.

Jessica Dexter
Staff Attorney
Environmental Law and Policy Center
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EXHIBIT 1:

**9/25/12 SERVICE LIST OF "AGRICULTURAL COALITION'S MOTION PROPOSING
CHANGES TO THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
PROPOSED RULES"**

PROOF OF SERVICE

I, Claire A. Manning, certify that I have served the attached Agricultural Coalition's Motion Proposing Changes To The Illinois Environmental Protection Agency Proposed Rules, by U.S. Mail, first class postage prepaid, on September 25, 2012 to the following:

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cmanning

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CERTIFICATE OF SERVICE

I, Jessica Dexter, hereby certify that I have filed the attached **NOTICE OF FILING** and **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO AGRICULTURAL COALITION'S MOTION PROPOSING CHANGES TO THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PROPOSED RULES** upon the attached service list by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on October 9, 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JD', with a long horizontal flourish extending to the right.

Jessica Dexter
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SERVICE LIST

R2012-023

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