## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD RECEIVED CLERK'S OFFICE BROADUS OIL. MAY 3 0 2006 STATE OF ILLINOIS Petitioner, Pollution Control Board PCB 04-31 ٧. PCB 05-43 ILLINOIS ENVIRONMENTAL PROTECTION (UST Appeal) AGENCY. Respondent.

## NOTICE OF FILING AND PROOF OF SERVICE

To: Bradley Halloran, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500

Chicago, Illinois 60601

Melanie Jarvis

Division of Legal Counsel

IL Environmental Protection Agency

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P.O. Box 19276

Springfield, IL 62794-9276

The undersigned certifies that an original and nine copies of Petitioner's Motion for Extension of Time to File Response were served upon the Clerk of the Illinois Pollution Control Board, and one copy was served upon the hearing officer and the above party of record in this case by enclosing same in envelopes with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mail Box before 5:30 p.m. in Springfield, Illinois on the 25/Hday of May, 2006.

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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BROADUS OIL,	) MAY 3 0 2006
Petitioner,	) STATE OF ILLINOIS Pollution Control Board
v.  ILLINOIS ENVIRONMENTAL PROTECTION	) PCB 04-31 ) PCB 05-43 ) (UST Appeal)
AGENCY,  Respondent	) (Consolidated) )

## MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

NOW COMES Petitioner, BROADUS OIL, through its undersigned attorney, and hereby moves this Board for an extension of time, to and until June 16, 2006, within which to file its response to the Motion for Summary Judgment, and in support of this motion, states as follows:

- 1. Responded filed a Motion for Summary Judgment, along with the Administrative Record in this case, on or about May 8, 2006.
- Pursuant to this Board's Procedural Rule 101.516 (a), 35 Ill. Adm. Code
   101.516(a), Petitioner's response to the motion was due to be filed within fourteen days of service of the Motion for Summary Judgment.
- 3. At the time of the filing, identified in paragraph 1 above, the hearing officer and counsel for both parties discussed the filings and subsequent proceedings. At that time, Petitioner indicated a likely need for an extension, in order to review the record and respond appropriately to the Motion for Summary Judgment. Both the hearing officer and counsel for Respondent indicated no objection to such a request.
- 4. At this time, therefore, Petitioner requests an extension of twenty-eight days, to and until June 16, 2006, within which to file its response to the Motion for Summary Judgment. The additional time is necessary to permit counsel to review

the record, assure that no additional materials or information will be necessary for this Board's full review of this case, and marshal all authorities in opposition to the Motion for Summary Judgment. In addition, counsel may file a cross motion within the same time period, all of which is intended to make the most efficient use of this Board's and counsels' resources.

5. This motion is being made in good faith, and not for any dilatory or improper purpose. Allowance of the motion will prejudice no one, but will permit Petitioner to adequately respond to the pending motion and review the late-filed record in this case.

WHEREFORE, Petitioner, BROADUS OIL, requests an extension of time, to and until June 16, 2006, within which to file its response to the Motion for Summary Judgment filed by Respondent herein.

Respectfully submitted,

BROADUS OIL, . Petitioner,

By its attorney,

HEDINGER LAW OFFICE

Stephen F. Hedinger

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