

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	PCB No. 13-72
v.)	
)	(Enforcement – Water)
PETCO PETROLEUM CORP.,)	
an Indiana corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board by electronic filing the following **Complainant’s Motion for an Extension of Time for Complainant to Respond to Respondent’s Motion to Dismiss Counts 62 through 73 of the First Amended Complaint and Respondent’s Affirmative and Additional Defenses**, a true and correct copy of which is attached hereto and hereby served upon you.

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

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: /s/ Natalie Long
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
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v.)	PCB No. 13-72
)	(Water - Enforcement)
PETCO PETROLEUM CORPORATION,)	
an Indiana corporation,)	
)	
Respondent.)	

**COMPLAINANT’S MOTION FOR AN EXTENSION OF TIME FOR
COMPLAINANT TO RESPOND TO RESPONDENT’S MOTION TO DISMISS
COUNTS 62 THROUGH 73 OF THE FIRST AMENDED COMPLAINT AND
RESPONDENT’S AFFIRMATIVE AND ADDITIONAL DEFENSES**

COMES NOW COMPLAINANT, People of the State of Illinois, by KWAME RAOUL, Attorney General of the State of Illinois, by and through its undersigned counsel pursuant to Section 101.522 of the Illinois Pollution Control Board Regulations, 35 Ill. Adm. Code 101.522, and hereby submits this Motion for an Extension of Time for Complainant to Respond to Respondent’s Motion to Dismiss Counts 62 Through 73 of the First Amended Complaint and Respondent’s Affirmative and Additional Defenses (“Motion for an Extension of Time”), in support thereof stating as follows:

1. On August 31, 2022, Complainant filed a Motion for Leave to File First Amended Complaint (“Amended Complaint”) before the Illinois Pollution Control Board (“Board”).
2. On October 20, 2022, the Board granted Complainant’s Motion and accepted the Amended Complaint for hearing.
3. On October 25, 2022, the parties participated in a telephone status conference with the Board hearing officer, wherein the Board ordered Respondent’s response or motion to be due by December 19, 2022.

4. On December 13, 2022, Respondent filed a Request for an Extension of Time for Petco Petroleum Corporation to Answer or Otherwise Response to the First Amended Complaint (“Request for an Extension of Time”), to which Complainant did not object.

5. On December 14, 2022, the Board granted Respondent’s Request for an Extension of Time, setting the new due date for Respondent’s response or motion for January 18, 2023.

6. On January 18, 2023, Respondent served its Motion to Dismiss Counts 62 through 73 of the First Amended Complaint (“Motion to Dismiss”) and Petco Petroleum’s Answer, Affirmative and Additional Defenses to the First Amended Complaint (“Answer and Defenses”).

7. Previous attorneys who have represented Complainant in this matter are no longer present with the Office of the Illinois Attorney General, and time is needed to conduct a review of available records in order to adequately respond to Respondent’s Motion to Dismiss.

8. During the interim between January 18, 2023 and the filing date of this Motion for Extension of Time, counsel for Complainant were obliged to prepare for an emergency hearing for immediate and preliminary injunctive related to violations of the Illinois Lead Poisoning Prevention Act, 410 ILCS 45/1 *et seq.* (2020) in *People v. Edwight R. Francois*, Macon County Case No. 2022-CH-17, set for hearing on Tuesday, January 31, 2023.

9. Due to the time required to conduct a review of records in order to provide a full response, and to fulfill counsel’s obligations before the Macon County Circuit Court, Complainant respectfully requests that the Board allow an additional thirty (30) days in which to file any response to Respondent’s Motion to Dismiss and any response or motion to Respondent’s Answer and Defenses, for a new filing deadline of Friday, March 3, 2023.

10. Counsel for the Parties have conferred regarding Complainant’s request for an extension, and Respondent does not object to Complainant’s request.

WHEREFORE, Complainant, People of the State of Illinois, by KWAME RAOUL, Attorney General of the State of Illinois, respectfully requests that the Hearing Officer and Board grant Complainant's Motion for Extension of Time, and enter an Order providing Complainant an additional thirty (30) days in which to file any response to Respondent's Motion to Dismiss and any response or motion to Respondent's Answer and Defenses, for a filing deadline of Friday, March 3, 2023.

Respectfully submitted,

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

By: /s/Natalie Long
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CERTIFICATE OF SERVICE

I, Natalie Long, an Assistant Attorney General, certify that on the 31st day of January, 2023, I caused to be served the foregoing Complainant's Motion for an Extension of Time for Complainant to Respond to Respondent's Motion to Dismiss Counts 62 Through 73 of the First Amended Complaint and Respondent's Affirmative and Additional Defenses and Notice of Filing on the parties named on the attached Service List, by email or electronic filing, as indicated on the attached Service List.

/s/ Natalie Long
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