

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **AUG 24 2004**

PEOPLE OF THE STATE OF ILLINOIS,)	STATE OF ILLINOIS
)	Pollution Control Board
Complainant,)	
)	
v.)	PCB No. 04-224
)	(Enforcement - Water)
HERITAGE FS, INC., an Illinois)	
incorporated cooperative,)	
)	
Respondent.)	

NOTICE OF FILING

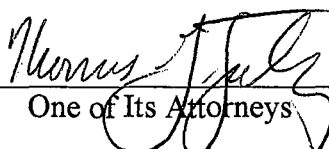
TO: Ms. Dorothy M. Gunn	Carol Sudman, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA FEDERAL EXPRESS)	(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies each of an **AGREED MOTION FOR EXTENSION OF TIME and proposed ORDER**, copies of which are hereby served upon you.

Respectfully submitted,

HERITAGE FS, INC.,
Respondent,

By: 
One of Its Attorneys

Dated: August 23, 2004

Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, Thomas G. Safley, the undersigned, certify that I have served the attached

AGREED MOTION FOR EXTENSION OF TIME and proposed ORDER upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

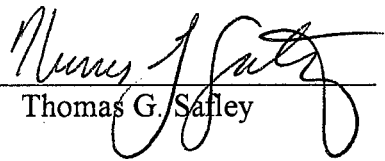
via Federal Express in Springfield, Illinois on August 23, 2004; and upon:

Jennifer Tomas, Esq.
Assistant Attorney General
Environmental Bureau
188 West Randolph Street
Suite 2001
Chicago, Illinois 60601

Charles Gunnarson, Esq.
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Carol Sudman, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois, on August 23, 2004.


Thomas G. Safley

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STATE OF ILLINOIS
Pollution Control Board

PCB No. 04-224
(Enforcement - Water)

AGREED MOTION FOR EXTENSION OF TIME

NOW COMES Respondent, HERITAGE FS, INC. ("Heritage FS"), and for its Agreed Motion for Extension of Time, states as follows:

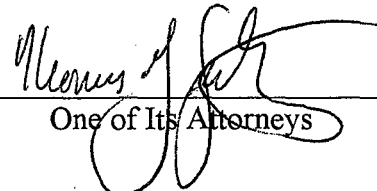
1. Heritage FS's Answer or other response to the Complaint in this matter currently is due on August 24, 2004.
2. Complainant and Respondent have reached a settlement of this matter in principle and are finalizing settlement documents.
3. In light of this fact, Heritage FS wishes to avoid the expense of filing an Answer or other response to Complainant's Complaint.
4. Accordingly, Heritage FS respectfully moves the Illinois Pollution Control Board ("Board") for an extension of time of sixty days, to and including October 23, 2004, within which to file its Answer, in order to give the Parties time to finalize the settlement of this matter.
5. Counsel for the State has informed the undersigned that the State has no opposition to this Motion.
6. Heritage FS does not file this Motion for purposes of delay or for any other improper purpose, but rather for the reasons stated above.

7. Heritage FS has filed herewith a proposed Order granting this Motion, for the Board's convenience.

WHEREFORE, Respondent, HERITAGE FS, INC., respectfully moves the Illinois Pollution Control Board to grant it an extension of time as set forth above, and to award it all other relief just and proper in the premises.

Respectfully submitted,

HERITAGE FS, INC.,
Respondent,

By: 
One of Its Attorneys

Dated: August 23, 2004

Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

HEFS:001/Fil/MET

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Pollution Control Board

PCB No. 04-224
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ORDER

The Illinois Pollution Control Board, having considered Respondent's AGREED MOTION FOR EXTENSION OF TIME, and being fully advised in the premises, hereby grants said Motion.

IT IS THEREFORE ORDERED AND ADJUDGED that Respondent, HERITAGE FS, INC., is granted an extension of time for 60 days, or until October 23, 2004, in which to file its Answer or other response to Complainant's Complaint.

ENTERED: _____

Dorothy M. Gunn
Clerk of the Board