

RECEIVED
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 09 2005

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
J. McDANIEL, INC. an Illinois corporation,)
)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 05-110
(Enforcement - Water)

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

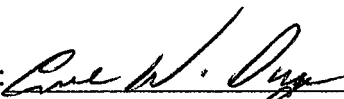
Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274
(VIA FIRST CLASS MAIL)

(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 of a **MOTION FOR EXTENSION OF TIME**, copies of which are herewith served upon you.

Respectfully submitted,

J. McDANIEL, INC.,
Respondent,

By: 
Edward W. Dwyer

Dated: May 6, 2005

Edward W. Dwyer
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Edward W. Dwyer, the undersigned, certify that I have served the attached

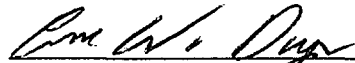
MOTION FOR EXTENSION OF TIME upon:

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

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

Javonna Homan, Esq.
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

by depositing said documents in the United States Mail in Springfield, Illinois, postage prepaid, on May 6, 2005.



Edward W. Dwyer

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PEOPLE OF THE STATE OF ILLINOIS,)

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STATE OF ILLINOIS
Pollution Control Board

v.)

PCB No. 05-110
(Enforcement - Water)

J. McDANIEL, INC. an Illinois corporation,)

Respondent.)

MOTION FOR EXTENSION OF TIME

NOW COMES Respondent J. McDANIEL, INC. ("J. McDaniel"), by its attorneys, HODGE DWYER ZEMAN, and requests that the Illinois Pollution Control Board ("Board") enter an Order granting J. McDaniel an extension of time for thirty (30) days, to and including June 5, 2005, in which to file its Answer in the above-captioned matter. In support of this Motion, J. McDaniel states as follows:

1. On December 14, 2004, the People of the State of Illinois ("the State") filed a Complaint in the above-captioned matter, alleging violations of Sections 12(a) and (d) of the Environmental Protection Act regarding water pollution. (415 ILCS § 5/12(a) and (d)).

2. Pursuant to a telephone status conference held on January 27, 2005, with the Complainant, Respondent and the Hearing Officer, Respondent was granted an extension until March 22, 2005 to file an Answer.

3. The law firm of HODGE DWYER ZEMAN was retained by J. McDaniel to represent it in the above-captioned matter, and filed its entry of appearance on January 25, 2005.

4. On March 21, 2005, Counsel requested an extension of time for forty-five (45) days, or until May 6, 2005, so that the parties may discuss possible settlement of the issues involved in this matter. The Board granted this request.

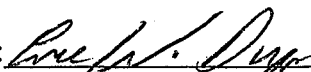
5. Counsel is requesting an extension of time for thirty (30) days, or until June 5, 2005, so that the parties may continue to discuss possible settlement of the issues involved in this matter.

6. Counsel for Respondent contacted counsel for Complainant and was advised that Counsel for Complainant has no objection to this Motion.

WHEREFORE, Respondent J. McDaniel, Inc., respectfully requests that the Board enter an Order granting its request for an extension of time for thirty (30) days, to and including June 5, 2005, in which to file its Answer to Complainant's Complaint.

Respectfully submitted,

J. McDANIEL, INC.,
Respondent,

By: 
Edward W. Dwyer

Dated: May 6, 2005

Edward W. Dwyer
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
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ECSI:001/Fil/Motion for Extension2