BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

MCLEAN COUNTY ASPHALT,)	
Petitioner,)	
v.)	PCB No. 05-154
ILLINOIS ENVIRONMENTAL)	(LUST Appeal)
PROTECTION AGENCY,)	
Respondent.)	

NOTICE

Dorothy M. Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street Suite 11-500 Chicago, IL 60601

Carol Webb, Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue, East

P.O. Box 19274

Springfield, IL 62794-9274

Curtis W. Martin Robert E. Shaw Shaw & Martin, P.C. 123 South 10th Street, Suite 302 P.O. Box 1789 Mt. Vernon, IL 62864

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a MOTION FOR EXTENSION OF TIME, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent

John J. Kim Assistant Counsel Special Assistant Attorney General Division of Legal Counsel 1021 North Grand Avenue, East P.O. Box 19276 Springfield, Illinois 62794-9276 217/782-5544 217/782-9143 (TDD) Dated: November 23, 2005

ELECTRONIC FILING, RECEIVED, CLERK'S OFFICE, NOVEMBER 23, 2005

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on November 23, 2005, I served true and correct copies of a MOTION FOR EXTENSION OF TIME, by electronic filing to the Clerk of the Illinois Pollution Control Board and by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, to the Petitioner and Hearing Officer:

Dorothy M. Gunn, Clerk (Electronic filing) Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street Suite 11-500 Chicago, IL 60601

Carol Webb, Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue, East P.O. Box 19274 Springfield, IL 62794-9274 Curtis W. Martin Robert E. Shaw Shaw & Martin, P.C. 123 South 10th Street, Suite 302 P.O. Box 1789 Mt. Vernon, IL 62864

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MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.522, hereby requests that the Illinois Pollution Control Board ("Board") grant the Illinois EPA an extension of time within which to file its Response to the Petitioner's Motion for Summary Judgment. In support of this motion, the Illinois EPA states as follows:

- 1. On November 14, 2005, the Illinois EPA received service of the Petitioner's motion for summary judgment. Pursuant to the Board's procedural rules, a response to the Petitioner's motion is due on or before November 28, 2005.
- 2. This due date includes two days (November 24 and November 25, 2005) during which the Illinois EPA will be closed. Further, the undersigned counsel for the Illinois EPA is also preparing for a hearing to be held on December 1, 2005.
- 3. The Illinois EPA hereby requests a short extension of time to complete researching and drafting a response to the Petitioner's motion of seven (7) additional days, or until December 5, 2005.
- 4. This short delay will not prejudice the Petitioner's case, but will allow for sufficient time to present the Illinois EPA's information and response.

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WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Board grant the Illinois EPA an extension of time to file the response to the Petitioner's motion for summary judgment.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent

John J. Kim Assistant Counsel Special Assistant Attorney General Division of Legal Counsel 1021 North Grand Avenue, East P.O. Box 19276 Springfield, Illinois 62794-9276 217/782-5544, 217/782-9143 (TDD)

Dated: November 23, 2005

This filing submitted on recycled paper.