

ILLINOIS POLLUTION CONTROL BOARD

| | | |
|----------------------------------|---|---------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 06-8 |
| |) | (Enforcement – Air) |
| BRIDGEPORT GRAIN, INC., |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

| | |
|----------------------------------|----------------------------------|
| TO: Ms. Dorothy M. Gunn | Carol Webb, 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 ELECTRONIC MAIL) | (VIA FIRST CLASS MAIL) |

(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 Bridgeport Grain, Inc.'s **MOTION FOR EXTENSION OF TIME**, a copy of which is herewith served upon you.

Respectfully submitted,

BRIDGEPORT GRAIN, INC.,

By: /s/ Katherine D. Hodge
One of Its Attorneys

Dated: December 13, 2005

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

THIS FILING SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, 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

via electronic mail on December 13, 2005, and upon:

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

Phillip McQuillan, Esq.
Senior Assistant Attorney General
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois, on December 13, 2005.

/s/ Katherine D. Hodge
Katherine D. Hodge

BPGI:001/Fil/COS – MET

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MOTION FOR EXTENSION OF TIME

NOW COMES Respondent, BRIDGEPORT GRAIN, INC. (“Bridgeport”), by its attorneys, HODGE DWYER ZEMAN, and, pursuant to 35 Ill. Admin. Code § 101.522, moves the Hearing Officer or Illinois Pollution Control Board (“Board”) in this matter, to enter an Order granting Respondent an extension of time for sixty (60) days, to and including February 16, 2006, in which to answer or otherwise respond to Complainant’s Complaint. In support of this Motion, Respondent states as follows:

1. “The [Illinois Pollution Control] Board or hearing officer, for good cause shown on a motion after notice to the opposite party, may extend the time for filing any document or doing any act which is required by these rules to be done within a limited period, either before or after the expiration of time.” 35 Ill. Admin. Code § 101.522.

2. On July 19, 2005, the People of the State of Illinois (“the State”) filed a Complaint in the above-captioned matter, alleging violations of Sections 9(a) of the Illinois Environmental Protection Act regarding air pollution (415 ILCS § 5/9(a)); and Sections 212.461(b), 212.462(d)(1), and 201.141 of the Board’s regulations (35 Ill. Adm.

Code §§ 212.461(b), 212.462(d)(1), and 201.141); and, Conditions 5(b), 6(a), 6(e), and 8(a)(i) of Bridgeport's operating permit.

3. The law firm of HODGE DWYER ZEMAN was retained by Bridgeport to represent it in the above-captioned matter, and filed its Entry of Appearance on September 29, 2005.

4. Bridgeport never received official notice of the Complainant's Complaint. On October 19, 2005, Counsel for Respondent signed a Waiver of Service of Complainant's Complaint. At the same time, Counsel for Complainant agreed to a deadline of December 18, 2005, i.e. sixty (60) days from the date of the Waiver of Service, for Respondent to file its Answer.

5. Bridgeport is requesting an extension of time for sixty (60) days, or until February 16, 2006, to answer Complainant's Complaint so that the parties may discuss possible settlement of the issues involved in this matter. Counsel for Complainant has no objection to this Motion.

WHEREFORE, Respondent, BRIDGEPORT GRAIN, INC., respectfully moves the Hearing Officer to enter an Order granting its request for an extension of time

for sixty (60) days, to and including February 16, 2006, in which to file its Answer to Complainant's Complaint.

Respectfully submitted,

BRIDGEPORT GRAIN, INC.,
Respondent,

Dated: December 13, 2005

By: /s/ Katherine D. Hodge

One of Its Attorneys

Katherine D. Hodge
Gale W. Newton
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
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