

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 05-110
)	(Enforcement - Water)
J. McDANIEL, INC. an Illinois corporation,)	
)	
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)

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

Respectfully submitted,

J. McDANIEL, INC.,
Respondent,

By: /s/ Edward W. Dwyer
Edward W. Dwyer

Dated: December 15, 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

via electronic mail on December 15, 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

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 December 15, 2005.

By: /s/ Edward W. Dwyer
Edward W. Dwyer

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PEOPLE OF THE STATE OF ILLINOIS,)	
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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 fourteen (14) days, to and including December 29, 2005, in which to file its Answer or other responsive pleading 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 Illinois 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 November 15, 2005, the Hearing Officer ordered Respondent to file an Answer by December 15, 2005.

5. Over the last several months, the parties have engaged in good faith settlement negotiations. While negotiations continue, the parties have agreed that it may be appropriate for Respondent to file its Answer or other responsive pleading.

6. While settlement negotiations continue, counsel is requesting an extension of time for fourteen (14) days, or until December 29, 2005, so that Respondent can file its Answer or other responsive pleading.

7. 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 Illinois Pollution Control Board enter an Order granting its request for an extension of time for fourteen (14) days, to and including December 29, 2005, in which to file its Answer or other responsive pleading to Complainant's Complaint.

Respectfully submitted,

J. McDANIEL, INC.,
Respondent,

By: /s/ Edward W. Dwyer
Edward W. Dwyer

Dated: December 15, 2005

Edward W. Dwyer
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