

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

C&F PACKING COMPANY, INC., an)	
Illinois corporation,)	
)	
Petitioner,)	
)	PCB 06-053
v.)	(Water-Variance)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY and LAKE)	
COUNTY,)	
)	
Respondents.)	

NOTICE OF MOTION

TO: All counsel of record.

PLEASE TAKE NOTICE that on **Thursday, December 22, 2005 at 10:00 a.m. CST**, Counsel for Petitioner C&F Packing Company, Inc. will appear in a telephonic status hearing, **Toll Free Dial in Number 1-888-476-3757, Participant Code 460377** before Hearing Officer, Bradley P. Halloran, Illinois Pollution Control Board and then and there present the attached **MOTION FOR OPEN WAIVER OF STATUTORY DECISION DEADLINE**, a copy of which is attached hereto.

Dated: December 16, 2005

Respectfully submitted,

C&F PACKING COMPANY, INC.

By:



One of its Attorneys

Brett D. Heinrich
Matthew E. Cohn
MECKLER BULGER & TILSON LLP
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Chicago, IL 60606
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Attorneys for Plaintiff

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

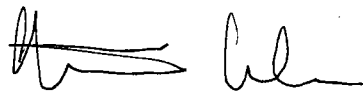
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MOTION FOR OPEN WAIVER OF STATUTORY DECISION DEADLINE

Counsel for Petitioner C&F Packing Company, Inc., Brett D. Heinrich and Matthew E. Cohn, contacted Counsel for Respondent Lake County, Daniel L. Jasica, and Counsel for Respondent Illinois Environmental Protection Agency, Charles Gunnarson, on the afternoon of December 15, 2005. Since the status hearing on December 8, 2005, there has been significant progress in settlement discussions of the connection fee dispute between Lake County and Petitioner. Those discussions included the participation of interested parties Village of Lake Villa and the Village of Fox Lake. Consequently, Petitioner and Respondents agreed that an open waiver of the 120-day decision requirement, pursuant to ILL. ADMIN. CODE tit. 35, § 101.308(c)(1), will serve to advance the possibility of a successful settlement of this matter.

Petitioner therefore requests that the Board enter an order granting an open waiver of the 120-day decision requirement, pursuant to ILL. ADMIN. CODE tit. 35, § 101.308(c)(1).

Respectfully submitted,



Matthew E. Cohn

Dated: December 16, 2005
Brett D. Heinrich
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CERTIFICATE OF SERVICE

I, Matthew E. Cohn, an attorney, certify that on December 16, 2005, I served the foregoing **MOTION FOR OPEN WAIVER OF STATUTORY DECISION DEADLINE** by causing true and correct copies of same to be sent via U.S. Mail.

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

Charles W. Gunnarson
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

Lake County Department of Public Works
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Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph Street
Chicago, IL 60601

A handwritten signature in black ink, appearing to read 'Matthew E. Cohn', written over a horizontal line.

Matthew E. Cohn