

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

YORK HIGH NEIGHBORHOOD COMMITTEE)
(a voluntary organization))
Janet and Fred Hodge, Patricia and David)
Bennett, Sheila and Mike Trant, Joe Vosicky,)
Jean and Peter Conroy, Frank Soldano,)
Joseph Reamer, Elizabeth and Charles Laliberte)

PCB 2005-093

Complainant(s),)

v.)

ELMHURST PUBLIC SCHOOLS,)
DISTRICT 205,)

Respondent(s).)

AGREED MOTION FOR EXTENSION OF TIME

Complainants, York High Neighborhood Committee, Janet and Fred Hodge, Patricia and David Bennett, Sheila and Mike Trant, Joe Vosicky, Jean and Peter Conroy, Frank Soldano, Joseph Reamer, Elizabeth and Charles Laliberte (collectively "Complainants"), and Respondent, Elmhurst Public Schools, District 205 (the "District"), for their Agreed Motion for an Extension of Time to File an Amended Settlement Agreement and Stipulation state:

1. On November 12, 2004, Complainants filed a Formal Complaint with the Illinois Pollution Control Board (the "Board") alleging that the District had violated the limits for noise emissions established by the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.* (the "Act").

2. On February 23, 2007, the parties entered into a Stipulation and Settlement Agreement (the "Agreement") in order to settle and resolve their disputes and differences relating to the Formal Complaint.

3. On March 19, 2007, the parties filed the Agreement with the Board and requested relief from the hearing requirement of Section 31(c)(1) of the Act.

4. On April 19, 2007, the Board issued an Order indicating that it rejected the Agreement on the grounds that it did not sufficiently address the factual stipulations outlined in Section 33(c) of the Act. The Order further provided that the parties' deadline to file an amended stipulation and proposed settlement was June 4, 2007.

5. The parties' requested further guidance from the Board as to the format and substance of the factual stipulations required to obtain the Board's approval of the Agreement. On June 1, 2007, Kathleen Crowley, Senior Board Attorney, advised the District's counsel, Thomas Posey, as to the general format that the parties' amended factual stipulations must be presented in and the general substantive information they must contain in order to obtain the Board's approval, and also directed Mr. Posey to prior decisions by the Board addressing the Section 33(c) requirements.

6. In order to allow the parties sufficient time to review the decisions referenced by Ms. Crowley and to incorporate the required factual stipulations outlined in Section 33(c) into the Agreement, they respectfully request an extension of time until June 18, 2007 to submit an addendum to the Agreement containing those stipulations.

WHEREFORE, Complainants and Respondent respectfully request that the Board grant their Joint Motion for an Extension of Time to File their Amended Stipulation and Settlement Agreement.

Respectfully submitted,

ELMHURST PUBLIC SCHOOLS DISTRICT 205

By: _____


One of Its Attorneys

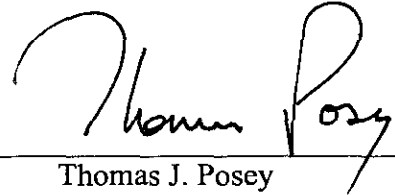
J. Todd Faulkner
Thomas J. Posey
FRANCZEK SULLIVAN, P.C.
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(312) 986-0300
Dated: June 4, 2007

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he caused a copy of the foregoing **AGREED MOTION FOR EXTENSION OF TIME** to be served upon the parties listed below by facsimile and by depositing a true and correct copy of same, postage prepaid, in the U.S. Mail chute at 300 South Wacker Drive, Chicago, Illinois, prior to 5:00 p.m. on this 4th day of June, 2006:

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Thomas J. Posey