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AUG 13 2007

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF FREEPORT)	
)	
Petitioner,)	
)	
vs.)	Case No. PCB 98-108
)	Other Info: Permit Appeal-Land
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

RESPONSE TO HEARING OFFICER ORDER OF JULY 17, 2007

NOW COMES the undersigned counsel of record for the Petitioner in the above-referenced matter, and, in response to Hearing Officer Carol Webb's Order of July 17, 2007, respectfully responds as follows:

1. Petitioner acknowledges that delays in responses in this matter have occurred from time to time in this matter, caused in part by transitions in administration and changes in personnel. More recently, unavailability during the summer months of certain personnel assisting the City who are familiar with this case, are coupled with a death within the family of the undersigned counsel for the Petitioner have caused certain delays.

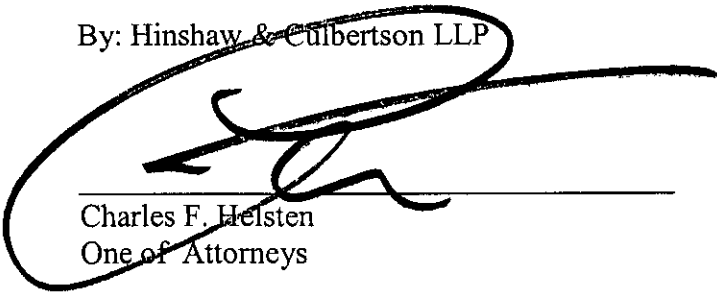
2. Accordingly, the undersigned counsel of record for the Petitioner respectfully requests that this matter be continued for 30 days. Petitioner has advised its counsel that it will have a definitive position at that point in time as to whether this appeal should be dismissed.

Dated: August 10, 2007

Respectfully Submitted,

On behalf of the City of Freeport

By: Hinshaw & Culbertson LLP



Charles F. Helsten
One of Attorneys

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AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on August 10, 2007, a copy of the foregoing was served upon:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street,
Suite 11-500
Chicago, IL 60601-3218

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

James G. Richardson
Special Assistant Attorney General
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Via facsimile and by depositing a copy thereof, enclosed in an envelope in the United States Mail at Chicago, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above.

A handwritten signature in cursive script, reading "Daniel Heaney", is written over a horizontal line.

HINSHAW & CULBERTSON
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