

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Petitioner,)
)
v.) PCB 09-60
) (Enforcement)
CROP PRODUCTION SERVICES,)
a Delaware corporation,)
)
Respondent.)

NOTICE OF FILING

TO: Mr. John T. Therriault Carol Webb, Esq.
Assistant Clerk 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 19276
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 a **MOTION FOR EXTENSION OF TIME** on behalf of CROP PRODUCTION SERVICES, a copy of which is herewith served upon you.

Respectfully submitted,

CROP PRODUCTION SERVICES,
Respondent,

By: /s/ Edward W. Dwyer
One of Its Attorneys

Dated: August 4, 2009

Edward W. Dwyer
Monica T. Rios
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Edward W. Dwyer, the undersigned, hereby certify that I have served the attached MOTION FOR EXTENSION OF TIME, upon:

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

via electronic mail on August 4, 2009; and upon:

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

Jane E. McBride, 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 on August 4, 2009.

/s/ Edward W. Dwyer
Edward W. Dwyer

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MOTION FOR EXTENSION OF TIME

NOW COMES Respondent, CROP PRODUCTION SERVICES (“CPS”), and pursuant to 35 Ill. Adm. Code Section 101.522, hereby files its Motion for Extension of Time seeking an extension of the date by which its answer or responsive pleading is to be filed in this matter, stating as follows:

1. On April 6, 2009, People of the State of Illinois (hereinafter “Complainant”) filed its First Amended Complaint (“Amended Complaint”).
2. CPS’ Answer or other responsive pleading was due by June 8, 2009.
3. On June 8, 2009, CPS filed a Motion for Extension of Time requesting until August 7, 2009 to file an Answer or otherwise respond. The Hearing Officer granted that Motion, allowing CPS until August 7, 2009 to file an Answer or otherwise respond.
4. Complainant and Respondent are currently discussing settlement in this matter.
5. In light of this fact, CPS wishes to avoid the unnecessary expense of filing an Answer or other response to the Amended Complaint and focus its resources on settlement discussions.

6. The undersigned has conferred with counsel for the Complainant and the Complainant supports the Motion.

7. CPS respectfully moves the Illinois Pollution Control Board ("Board") for an extension of time of sixty (60) days, to and including October 6, 2009, within which to file its Answer, in order to give the Parties time to continue settlement discussions in this matter.

8. CPS does not file this Motion for purposes of undue delay or for any other improper purpose, but rather to engage in good faith settlement discussions and by so doing, to conserve the resources of the parties and the Board.

WHEREFORE, Respondent, CROP PRODUCTION SERVICES, respectfully moves the Illinois Pollution Control Board to grant it an extension of time as set forth above, and to award it all other relief just and proper in the premises.

Respectfully submitted,

CROP PRODUCTION SERVICES,
Respondent,

By: /s/ Edward W. Dwyer
One of Its Attorneys

Dated: August 4, 2009

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