BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
ex rel. LISA MADIGAN, Attorney General)
of the State of Illinois)
) PCB 2008-007
Complainant,)
vs.)) VIA ELECTRONIC FILING
UNION PACIFIC RAILROAD COMPANY,))
a Delaware corporation,)
Dagwandant)
Respondent.)

NOTICE OF FILING

John Therriault Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, IL 60601

Bradley P. Halloran Hearing Officer James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, IL 60601 Zemeheret Bereket-Ab Assistant Attorney General Environmental Bureau North 69 West Washington Street, Suite 1800 Chicago, IL 60602

W. Lee Hammond Union Pacific Railroad Company 1400 Douglas Street, Stop 1080 Omaha, NE 68179

Please take notice that today, September 28, 2009, I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing Union Pacific Railroad Company's Motion to Extend the Schedule, along with Notice of Filing and Certificate of Service, a copy of which is attached hereto and served upon you.

Respectfully submitted,

SONNENSCHEIN NATH & ROSENTHAL LLP

By: /s/ Thomas A. Andreoli
Attorneys for Respondent
Union Pacific Railroad Company

Thomas A. Andreoli SONNENSCHEIN NATH & ROSENTHAL LLP 233 South Wacker Drive Chicago, Illinois 60606 312.876.8000 tandreoli@sonnenschein.com

BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS ex rel. LISA MADIGAN, Attorney General)
of the State of Illinois))
Complainant,) PCB 2008-007)
vs.) VIA ELECTRONIC FILING
UNION PACIFIC RAILROAD COMPANY, a Delaware corporation,)
Respondent.)

UNION PACIFIC RAILROAD COMPANY'S MOTION TO EXTEND THE SCHEDULE

Union Pacific Railroad Company ("Union Pacific") hereby respectfully moves the Hearing Officer, pursuant to 35 Ill. Adm. Code §§ 101.502 and 101.522, to extend the schedule for Union Pacific to answer or otherwise respond to the Complaint. In support of this Motion, Union Pacific states as follows:

- 1. On August 20, 2009, the Pollution Control Board (the "Board") adopted the Order denying Union Pacific's Motion to Sever (the "August 20, 2009 Order").
- 2. Union Pacific received the August 20, 2009 Order via U.S. Mail on August 25, 2009. Union Pacific intends to seek reconsideration of the Order pursuant to Ill. Adm. Code §§ 200.520 and 200.902. Union Pacific's Motion for Reconsideration is due by September 29, 2009. 83 Ill. Adm. Code § 200.520(a).
- 3. The current date for Union Pacific to answer or otherwise respond is September 28, 2009. The scheduling of the date for Union Pacific to answer or otherwise respond to the Complaint prior to the end of the time period for Union Pacific to seek reconsideration of the August 20, 2009 Order was unintended. This schedule, if left unchanged,

would cause confusion of the pleadings and material prejudice to Union Pacific, in the event its

Motion for Reconsideration were granted.

4. Accordingly, Union Pacific requests that the Hearing Examiner extend the date

for Union Pacific to answer or otherwise respond to the Complaint until such time as the Board

has ruled upon its Motion to for Reconsideration of the August 20, 2009 Order.

5. This Motion is made in good faith and for good cause and not for purposes of

delay. No party will be unfairly prejudiced by the granting of this Motion.

6. The parties currently are scheduled for a telephonic status conference with the

Hearing Officer on October 1, 2009 at 11:30. a.m.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Hearing

Officer extend the date for Union Pacific to answer or otherwise respond to the Complaint until

such time as the Board has ruled upon its Motion to for Reconsideration of the August 20, 2009

Order to be filed on September 29, 2009.

Dated: September 28, 2009

Respectfully submitted,

SONNENSCHEIN NATH & ROSENTHAL LLP

By: /s/ Thomas A. Andreoli

Attorneys for Respondent

Union Pacific Railroad Company

Thomas A. Andreoli

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VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil

Procedure, the undersigned certifies that the statements set forth in this instrument are true and
correct, except as to matters therein stated to be on information and belief and as to such matters
the undersigned certifies as aforesaid that he verily believes the same to be true.

Thomas A. Andreoli

CERTIFICATE OF SERVICE

I, Thomas A. Andreoli, an attorney, hereby certify that I caused a copy of Union Pacific Railroad Company's Motion to Extend the Schedule, along with Notice of Filing and Certificate of Service, to be served upon the service list on September 28, 2009, by regular mail.

/s/ Thomas A. Andreoli

Thomas A. Andreoli