

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 2010-030
)	(NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

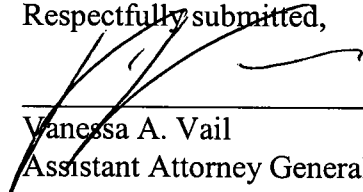
NOTICE OF SERVICE

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

Katherine D. Hodge
Lauren C. Lurkins
Hodge Dwyer & Driver.
3150 Roland Avenue
P.O. Box 5776
Springfield, Illinois 62705

PLEASE TAKE NOTICE that today I have caused to be filed with the Illinois Pollution Control Board a MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION TO STAY THE EFFECTIVENESS OF CONTESTED PERMIT CONDITIONS, a copy of which is served upon you.

Respectfully submitted,



Vanessa A. Vail
Assistant Attorney General

Office of the Illinois Attorney General
Environmental Bureau
69 West Washington Street, 18th Fl.
Chicago, Illinois 60602
(312) 814-5361

Date: November 24, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 2010-030
)	(Permit Appeal – Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITIONER'S
MOTION TO STAY THE EFFECTIVENESS OF CONTESTED PERMIT CONDITIONS**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA” or “Agency”), through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, and Assistant Attorney General Vanessa Vail, her duly appointed assistant, respectfully moves the Illinois Pollution Control Board (“Board”), pursuant to 35 Ill. Adm. Code 101.500(d), for an extension of time to respond to Petitioner’s Motion to Stay the Effectiveness of Contested Permit Conditions, and in support thereof, states as follows:

1. Petitioner filed its Petition with the Board on November 4, 2009, seeking review of a September 30, 2009 National Pollutant Discharge Elimination System (“NPDES”) permit determination by the Illinois EPA involving ExxonMobil Corporation (“ExxonMobil”).

2. Petitioner concurrently filed with its Petition on November 4, 2009, a motion to stay the effectiveness of the contested conditions of the NPDES permit (“Motion to Stay Effectiveness of Contested Permit Conditions”).

3. The Illinois EPA received the materials on or about November 5, 2009.

4. Pursuant to the Board’s rules, the Illinois EPA was required to file a Response to the Motion no later than November 19, 2009, fourteen (14) days after service, 35 Ill. Adm. Code

101.500(d).

5. The Board rules allow parties to request more time to respond by filing a motion for an extension of time. 35 Ill. Adm. Code 101.500(d).

6. Respondent acknowledges that the deadline to respond to Petitioner's Motion has been missed, but respectfully submits that good cause exists for granting this motion.

7. On November 13, 2009, the Illinois EPA notified this Office of this proceeding and requested that the Illinois Attorney General's Office ("AGO") appoint one of Illinois EPA's attorneys as a Special Assistant Attorney General to handle this case. In the alternative, the Illinois EPA requested that the AGO represent the Illinois EPA in this proceeding.

8. The AGO was provided a copy of Petitioner's Motion to Stay the Effectiveness of Contested Permit Conditions as well as the Petition on November 17, 2009.

9. The representational issue was recently resolved and the AGO informed the Illinois EPA on November 19, 2009 that the AGO would be handling this appeal.

10. On November 23, 2009, Assistant Attorneys General Rebecca Burlingham and Vanessa Vail were assigned to this matter.

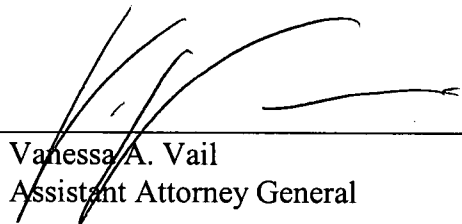
11. The AGO is extremely mindful of the Board's desire to manage its docket and timely adjudicate its appeals pending before it. However, due to having received Petitioner's Motion on November 17, 2009, and appointing Assistant Attorneys General to represent the Agency on November 23, 2009, additional time is needed. Additionally, the Petitioner will not be prejudiced by the granting of additional time to respond.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion for Extension of Time to Respond to Petitioner's Motion to Stay the Effectiveness of Contested Permit Conditions with the Board no later than Tuesday, December 8, 2009.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: _____


Vanessa A. Vail
Assistant Attorney General

Office of the Illinois Attorney General
Environmental Bureau
69 West Washington Street, 18th Fl.
Chicago, IL 60602
(312) 814-5361

Dated: November 24, 2009

Electronic Filing - Received, Clerk's Office, November 24, 2009

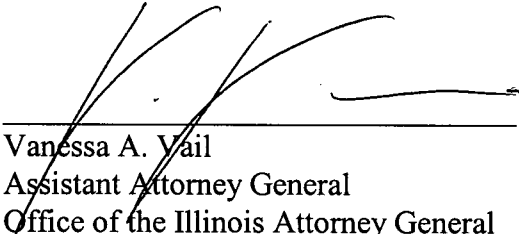
I, the undersigned attorney at law, hereby certify that on November 24, 2009, I served true and correct copies of a MOTION FOR EXTENSION OF TIME upon the persons and by the methods as follows:

[Electronic filing]

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

[First Class U.S. Mail]

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