

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

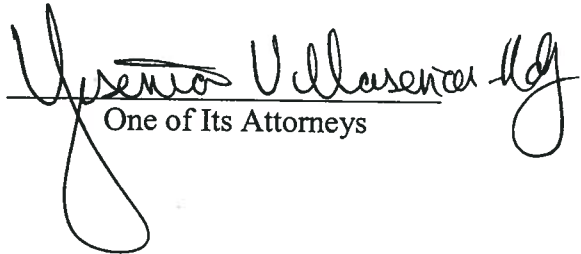
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MAY 17 2010  
STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS )  
)  
Complainant, )  
)  
v. ) PCB 04-137  
) (Enforcement)  
)  
CII Carbon, L.L.C., )  
)  
Respondent. )

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on Monday, May 17, 2010, I have filed with the Office of the Clerk of the Pollution Control Board, CII's Motion Requesting to Hold in Abeyance Its Answer to Complainant's Second Amended Complaint and Discovery, copies of which are attached hereto and herewith served upon you.

By:   
One of Its Attorneys

Roy M. Harsch, Esq.  
Yesenia Villasenor-Rodriguez, Esq.  
Drinker Biddle & Reath LLP  
191 North Wacker Drive - Suite 3700  
Chicago, Illinois 60606  
(312) 569-1441 (Direct Dial)  
(312) 569-3441 (Facsimile)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS )  
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 Complainant, )  
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 v. )  
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 CII Carbon, L.L.C., )  
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 Respondent. )

PCB 04-137  
(Enforcement)

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Pollution Control Board

**CII'S MOTION REQUESTING TO HOLD IN ABEYANCE ITS  
TO ANSWER COMPLAINANT'S SECOND AMENDED COMPLAINT AND  
DISCOVERY**

NOW COMES Respondent, CII Carbon, L.L.C., (hereinafter, "CII"), by and through its attorneys, and respectfully requests that the Hearing Officer grant this motion requesting to hold in abeyance CII's request to answer Complainant's Second Amended Complaint and Discovery. In support thereof, CII states as follows:

1. Complainant filed its Motion for Leave to File Second Amended Complaint and Second Amended Complaint on March 19, 2010.
2. Pursuant to the hearing officer's order dated March 22, 2010, CII's answer to the Second Amended Complaint is due on April 30, 2010. CII requested an extension until May 17, 2010. The Hearing Officer approved this extension in its order dated May 3, 2010.
3. CII and Complainant are currently in settlement negotiations. For purposes of judicial economy, CII is requesting that the Hearing Officer hold in abeyance until July 30, 2010, the due date for CII's Answer to Complainant's Second Amended Complaint and all related discovery in this matter.

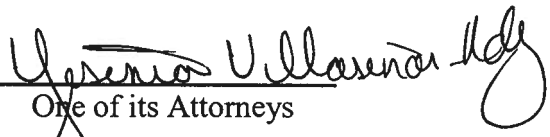
4. CII has confirmed the above with Assistant Attorney Stephen J. Janasie, attorney for Complainant; and, attorney for Complainant stated that he has no objections to this request and will not file any response to this motion.

5. The parties will be not prejudiced by extending the due date until July 30, 2010.

WHEREFORE, for all the foregoing reasons, CII respectfully requests that the Hearing Officer grant its Motion Requesting to Hold in Abeyance CII's Answer to Complainant's Second Amended Complaint and Discovery in this matter.

Respectfully submitted,

CII Carbon, L.L.C.

By:   
One of its Attorneys

Dated: May 17, 2010

Roy M. Harsch, Esq.  
Yesenia Villaseñor-Rodriguez, Esq.  
Drinker Biddle & Reath LLP  
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Chicago, Illinois 60606  
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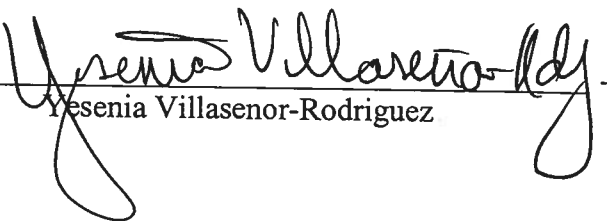
**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing CII's Motion Requesting An Extension To Answer Complainant's Second Amended Complaint was filed via hand delivery with the Clerk of the Illinois Pollution Control Board and served upon the parties below by U.S. First Class Mail and Electronic Mail on Monday May 17, 2010

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

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

Stephen J. Janasie  
Environmental Enforcement Bureau  
500 S. Second Street  
Springfield, IL 62706  
[sjanasie@atg.state.il.us](mailto:sjanasie@atg.state.il.us)

  
Yesenia Villasenor-Rodriguez

Roy M. Harsch, Esq.  
Yesenia Villasenor-Rodriguez, Esq.  
Drinker Biddle & Reath LLP  
191 North Wacker Drive - Suite 3700  
Chicago, Illinois 60606  
(312) 569-1441 (Direct Dial)  
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SERVICE LIST PCB 04-137

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

Stephen J. Janasie  
Environmental Enforcement Bureau  
500 s. Second Street  
Springfield, IL 62706  
[sjanasie@atg.state.il.us](mailto:sjanasie@atg.state.il.us)

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