Electronic Filing - Received, Clerk's Office, June 3, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| PEOPLE OF THE STATE OF ILLINOIS, |) |
|---|---|
| Complainant, v. |))) |
| PROFESSIONAL SWINE MANAGEMENT, LLC, HILLTOP VIEW, LLC, WILDCAT FARMS, LLC, HIGH-POWER PORK, LLC, EAGLE POINT FARMS LLC, LONE HOLLOW, LLC, TIMBERLINE, LLC, PRAIRIE STATE GILTS, LTD., NORTH FORK PORK, LLC, LITTLE TIMBER, LLC, TWIN VALLEY PUMPING, INC. | PCB No. 2010-084 (Enforcement – Land)) |
| Respondents. |) |

NOTICE OF FILING

TO: Mr. John T. Therriault Carol Webb
Assistant Clerk of the Board Hearing Officer
Illinois Pollution Control Board Illinois Pollution Control Board

100 West Randolph Street

1021 North Grand Avenue East

1031 North Grand Avenue East

Suite 11-500 Post Office Box 19274

Chicago, Illinois 60601 Springfield, Illinois 62794-9276

(VIA ELECTRONIC MAIL) (VIA U.S. MAIL)

(PLEASE SEE 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 TO ATTACK THE SUFFICIENCY OF PETITION, COMPLAINT, OR OTHER PLEADINGS, on behalf of Respondents, Professional Swine Management, LLC, Hilltop View, LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point Farms, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., and Little Timber, LLC, a copy of which is herewith served upon you.

Respectfully submitted,

PROFESSIONAL SWINE MANAGEMENT, LLC, HILLTOP VIEW, LLC, WILDCAT FARMS, LLC, HIGH-POWER PORK, LLC, EAGLE POINT FARMS, LLC, LONE HOLLOW, LLC, TIMBERLINE, LLC, PRAIRIE STATE GILTS, LLC, and LITTLE TIMBER, LLC,

Dated: June 3, 2010 Respondents,

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

Edward W. Dwyer Jennifer M. Martin, Of Counsel HODGE DWYER & DRIVER 3150 Roland Avenue, P.O. Box 5776 Springfield, Illinois 62705-5776

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| PEOPLE OF THE STATE OF ILLINOIS, |) |
|---|----------------------------|
| Complainant, | <i>)</i>) |
| v. |) |
| PROFESSIONAL SWINE MANAGEMENT, LLC, HILLTOP VIEW, LLC, WILDCAT FARMS, LLC, |)) PCB No. 2010-084 |
| HIGH-POWER PORK, LLC, EAGLE POINT FARMS LLC, LONE HOLLOW, LLC, TIMBERLINE, LLC, |) (Enforcement – Land) |
| PRAIRIE STATE GILTS, LTD., NORTH FORK | <i>)</i>) |
| PORK, LLC, LITTLE TIMBER, LLC, TWIN |) · |
| VALLEY PUMPING, INC. |) |
| |) |
| Respondents. |) |

RESPONDENTS' MOTION FOR EXTENSION OF TIME TO ATTACK THE SUFFICIENCY OF PETITION, COMPLAINT, OR OTHER PLEADINGS

NOW COMES Respondents, PROFESSIONAL SWINE MANAGEMENT, LLC, HILLTOP VIEW, LLC, WILDCAT FARMS, LLC, HIGH-POWER PORK, LLC, EAGLE POINT FARMS, LLC, LONE HOLLOW, LLC, TIMBERLINE, LLC, PRAIRIE STATE GILTS, LTD., and LITTLE TIMBER, LLC, by and through their attorneys, HODGE DWYER & DRIVER, and hereby move the Illinois Pollution Control Board ("Board") or assigned hearing officer, as appropriate, to allow the above respondents more time to attack the sufficiency of the Complaint, pursuant to 35 Ill. Admin. Code § 101.506, Motions Attacking the Sufficiency of the Petition, Complaint, or Other Pleadings, which states:

All motions to strike, dismiss, or challenge the sufficiency of any pleading filed with the Board must be filed within 30 days after the service of the challenged document, unless the Board determines that material prejudice would result.

In support of this Motion, the above Respondents state as follows:

- 1. The State of Illinois filed its Complaint against the above Respondents with the Illinois Pollution Control Board on April 15, 2010.
- 2. The Complaint alleges claims against eleven respondents, involving nine separate facilities, located in four counties.

Electronic Filing - Received, Clerk's Office, June 3, 2010

3. The allegations in the Complaint against the above Respondents involve separate and

discrete events allegedly occurring at different locations and over a seven-year period (2003-2009).

4. The above Respondents are still in the process of obtaining and reviewing

information from the Illinois Environmental Protection Agency ("Illinois EPA") and other state

agencies relating to the facts alleged in the Complaint.

4. The above Respondents are attempting to complete this review as expeditiously as

possible, but have not had the full benefit of the 30-day period contemplated by 35 Ill. Admin.

Code § 101.506.

5. Material prejudice will result if the Board does not grant the request of the above

Respondents for additional time to file a motion to strike, dismiss, or challenge the sufficiency of

the Complaint.

6. For the reasons stated above, the above Respondents respectfully move the Board or

hearing officer to allow until June 21, 2010, or such other date as the Board or hearing officer

deems appropriate, to file a Motion Attacking the Sufficiency of the Petition, Complaint, or Other

Pleading, pursuant to 35 Ill. Admin. Code § 101.506.

Respectfully submitted,

PROFESSIONAL SWINE MANAGEMENT, LLC. HILLTOP VIEW, LLC, WILDCAT FARMS, LLC, HIGH-POWER PORK, LLC, EAGLE POINT FARMS, LLC, LONE HOLLOW, LLC, TIMBERLINE, LLC, PRAIRIE STATE

GILTS, LTD, and LITTLE TIMBER, LLC,

Dated: June 3, 2010

Edward W. Dwyer Jennifer M. Martin, Of Counsel **HODGE DWYER & DRIVER** 3150 Roland Avenue, P.O. Box 5776 Springfield, Illinois 62705-5776

Respondents,

/s/ Edward W. Dwyer One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Edward W. Dwyer, the undersigned, hereby certify that I have served the attached MOTION FOR EXTENSION OF TIME TO ATTACK THE SUFFICIENCY OF PETITION. COMPLAINT, OR OTHER PLEADINGS upon:

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

via electronic mail on June 3, 2010; and upon:

Ms. Carol Webb 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 State of Illinois 500 South Second Street Springfield, Illinois 62706

James A. Hansen, Esq. Schmiedeskamp, Robertson, Neu & Mitchell, LLP Brown Hay & Stephens, LLC 525 Jersey Street Post Office Box 1069 Quincy, Illinois 62306

Claire Manning, Esq. 205 South Fifth Street, Suite 700 Post Office Box 2459 Springfield, Illinois 62705-2459

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois, on June 3, 2010.

> /s/ Edward W. Dwyer Edward W. Dwyer